

It is at this point that the plausible pundit's misrepresentation and most misleading to the public. He affirms that the Massachusetts Court, on a review, is content to pass upon "whether the facts as set forth in the printed record justified the verdict," but only upon "so-called questions of fact." Now the matter what the New York Court does the point is that by well-known technical phraseology the so-called questions of law do include an issue of fact, and that the Massachusetts Court does pass upon the sufficiency of the facts to justify the jury's verdict, in reviewing a case like the present.

The above quotation from the 1926 decision shows that they here did do so, not to demonstrate that this is their long settled practice, and to show clearly the extent of this misrepresentation of the plausible pundit, let us look at the words of the statute: Massachusetts General Laws 1921, c.250, §19: "A judgment in a criminal case may be re-examined and reversed or affirmed upon a writ of error for any error in law or in fact." And now let us peruse the recent exposition of the Court's practice in Commonwealth v. Descalakids, 346 Massachusetts 42, at p.12 (1928): "In the early and leading case of Com. v. Green, 17 Mass. 415, it was decided that power existed in this Court [i.e. Supreme Judicial Court] in common law and without an enabling

statute, to grant a motion for a new trial in a capital case, in order that a prisoner should be indulged with another opportunity to save his life, if anything had occurred upon the trial which renders doubtful the justice or the legality of his conviction.... That was the same as saying that verdicts would be set aside and new trials granted if it appears to the court that justice has not been done.... It is difficult to conceive of any ground for a new trial not comprehended within the sweep of the decision in Com. v. Green, or the phrase of the statute." And now see how this principle was applied in a recent criminal case: Com. v. Vanderbecke, 248 Mass. 403 (1924): "At the close of the evidence the defendant requested the trial judge to rule that the evidence did not warrant a verdict of guilty of murder in the first degree.... [Then after reviewing the evidence] It is plain that her testimony and the other evidence presented by the Commonwealth, if believed by the jury, were sufficient to warrant a finding that the defendant was guilty of murder in the first degree. As there was evidence, if believed, amply sufficient to justify the finding, it could not rightly have been ruled in accordance with the defendant's request, that the evidence did not warrant a verdict of murder in the first degree. The exception to the refusal of this request cannot be sustained."

#### Did Inquire Into Facts

So the decision of the Supreme Court in April, 1926, signified that in the court's opinion there was sufficient evidence to justify the verdict of guilty of murder; the plausible pundit's statement that "the Court could not inquire whether the facts justified the verdict" is false; and any citizen who has confidence in a unanimous decision of the Massachusetts Supreme Judicial Court may rest satisfied with that verdict on the facts.

(d) And, finally, what lawyer of experience, in any State, does not know that a Supreme Court, if it really has any

verdict of guilty in a capital case, is not to be set aside on the ground of a new trial? It is done every year or so, in almost any State. The books are full of such cases. The key point again is missed; but no lawyer would believe that the Supreme Court of Massachusetts, regardless of the technical ground of their decision, would have failed to direct a new trial, had they seen any reason to distrust the correctness of the verdict on the facts.

And in their second decision (New York Times of April 5, 1927), on the trial judge's rejection of the newly discovered "confession" of the crook Madeiros, as a ground for a new trial, the Supreme Court go even further, in language which shows their attitude on the whole evidence: "An impartial, intelligent and honest judge would be justified in finding that the confession [attributing the murder to the Morelli gang] gains an persuasive force from the credibility of Madeiros; that the facts relied upon by the defendants in confirmation, if true,

fall far short of furnishing adequate proofs of their [Morelli's] guilt or of establishing reasonable doubt of the guilt of the defendants.... A new trial is not necessary to prevent a failure of justice."

#### At the Time of the Trial

It is difficult to see how the Supreme Court, under the law, could more plainly indicate their opinion on the facts.

7.—As one further item, suggesting the inference that this attempt to charge upon Massachusetts courts a miscarriage

of justice is somebody's afterthought, inspired by extrinsic and sinister influences, note this: that the accused's counsel who actually conducted the trial appear to have been entirely satisfied with the impartiality of the judge, the behavior of the prosecuting attorney, and the general fairness of the trial. At the close of the evidence, not a single request for instructions was handed to the judge; and at the conclusion of the charge to the jury, not a single exception was taken to the charge—the charge which the plausible pundit now abuses as fact. And in the closing address to the jury, one of the defense counsel said: "Mr. Katzmann [the prosecuting attorney] has been, as he always has been, a perfect gentleman.... And I want to say, on behalf of these men—I say it to those men and their friends—they have had every opportunity here; they have had every patience and every consideration. I want them to know that we have done, that everything has been done, as Massachusetts takes pride in doing, granting to any man, however lowly his station, the fullest rights to her Massachusetts laws."

Now, how does this plausible pundit come to inject himself into this case, by invoking the Nation's censure on Massachusetts justice, when the counsel at the trial itself had voluntarily paid tribute to the fairness of Massachusetts justice?

The truth seems to be that this whole agitation, as post facto the trial has its roots in a sinister fact, suppressed by the plausible pundit, and to this fact I now come.

#### B. THE INTERNATIONAL ASPECT

The plausible pundit begins by at-

tempting to show that the two accused appear to be Italian members of a powerful international organization, known as the "Reds," since the trial in 1921, this organization has been carried on. It had secreted justice in the United States would be to its party.

I did not begin to know much of the details until that summer, but since the time when my clippings began, the story in brief is this: Propaganda pamphlets were first distributed in Russia, Italy, Spain, England, Russia, Japan, Central and South America; and the pamphlet-throwing began at American embassies and consulates. In 1921, a bomb thrown at Ambassador Murry, in Paris, injured his coat. A bomb placed in the American Consulate in London exploded after the consul had left. It was a threat of death were made to American consuls in Paris, France and Cuba. Your consulates were dotted with these threats. In Massachusetts, the home of a majority of a Government, these were heeded. Threats of violence were made against officials connected with the trial, and the home of Judge Thayer has been almost continuously under special guard. Eight persons in all were injured by these acts of terrorism.

When on May 12, 1926, the Supreme Judicial Court rejected the first motion for a new trial, the threats were renewed and guards were placed at the house of Chief Justice Rugg.

And then, after the second motion for a new trial was denied by Judge Thayer last fall, the terrorism was renewed everywhere, as the following dispatches show (from the New York Times and the Chicago Tribune, mostly Associated Press dispatches); they are here abbreviated:

Paris, Feb. 22, 1927: After remaining quiescent for several months, the Communist and Socialist agitation against the execution of Sacco and Vanzetti has again assumed disquieting proportions for American officials in France, and within the last 24 hours a heavy guard of police and detectives has been thrown around the American Embassy. The Sacco-Vanzetti case has been an almost constant source of worry and anxiety to the Ambassador since the men were sentenced. Many threatening letters have been written from time to time marking him for death if the two Italians were not liberated.

Boston, April 5, 1927 (the day of the second Supreme Court decision): Police authorities of a number of cities and towns of the State took prompt action this afternoon to protect the Justices who concurred in the decision and other persons who have played prominent parts in the case. The Worcester police doubled the guard at the home of Judge Thayer, who has been under police protection for several years.

Geneva, April 5, 1927: The United States consulate here has received

threatening letters. Police protection was extended to the American legation and consulates in Switzerland upon receipt of news that a new trial has been denied to Sacco and Vanzetti.

Paris, April 3, 1927: A threat in this morning's organ of the Communist party that its representatives "know how to revenge the martyrs who have fallen victims without mercy in the battle between the oppressors and the oppressed," led the police today to take further precautions to guard Ambassador Herrick and the American government buildings in Paris from further attack. It is now the intention of the police to keep Ambassador Herrick within their police protection for 24 days until the case is definitely disposed of.

Fall River, Mass., April 3, 1927: Policemen guard night and day the home of Judge Dubuque and the Bristol County Court House, since the Supreme Court handed down its final decision in the Sacco-Vanzetti case.

Boston, April 3, 1927: When sentence is pronounced, 300 police officers will be on guard to ward off any possibility of the violence which has sporadically been manifested on four continents during the past six years of this case.

Geneva, April 3, 1927: As an attack is feared upon Hugh Gibson, American Minister to Belgium, who is here attending the League disarmament conference, a special force of detectives has been placed on guard at his hotel.

New York, April 10, 1927 (the day after the sentence): The police have arrested Mario Binich, for posting circulars on windows of the downtown section of New York, declaring "Sacco and Vanzetti must not die." A search of Binich disclosed a book containing plans for the construction of bombs.

Buena Vista, April 10, 1927: A group of gunmen held up a street car last night and tried to burn the car. Police in the suburb of Alhama discovered a large unexploded bomb under a railroad bridge. Both incidents, it is believed, were the work of sympathizers of Sacco and Vanzetti, radical agitators who were sentenced to death by a Massachusetts court.

Washington, April 11, 1927: Extraordinary precautions have been taken to guard high Government officials because of the death sentence in the Sacco-Vanzetti case in Massachusetts. A guard was placed in the State Department corridor near the office of Secretary Kellogg today.

#### Subjected to Terrorism

Now, is not this an intolerable state of things, that American justice should be subjected to the dictates of international terrorists? Where has the like ever been known in modern history? The thugs of India, the Camorra of Naples, the Black Hand of Sicily, the anarchists of London—when did their attempts to impose their will by violence ever equal, in range of operations and vicious directness, the organized efficiency of this trial to which Sacco and Vanzetti be-

lieve they are entitled? A case which has been misrepresented, by the trial, and which the world, as a base of persecution for radicalism. The dangerous thing to American justice is that the legal representatives, by pressing a justice, can set this international force in motion to secure immunity for any one of its members who is charged with any serious crime.

#### Judges in Jeopardy

But what shall we say of the plausible pundit who knowingly enlists himself in their support and appeals to the public at large to excite popular sympathy in favor of members of this international terrorist gang? Why should he beg the sympathy of the public for them personally? If public sympathy is to figure, why not invoke it for the heroic judge who, through the accident of this trial, has had to do every day's duty for six years past in danger of his life? Does not every honorable lawyer shudder at the realization that the judges of this country can be put in jeopardy for any judgment that touches a member of a terrorist fraternity?

And if any honorable member of the bar believed that he ought to help to secure a fair trial even for a bandit or a thug, why should he not, as William G. Thompson here did, add his name gratuitously as of counsel, and assist in preparing and arguing, the case up through the regular channels of justice? Why should he choose to appeal in the press to the general public outside of the Court? Why should he abuse the Court itself in that appeal?

And why should he do so before the Supreme Court has handed down its pending final decision?

And, finally, why should he, in that popular article, make errors and misstatements which if discovered in a brief of counsel filed in the case would qualify him for proceedings for disbarment?

My object is attained if I have indicated to fellow-members of the bar that they need not give any credit to this libel on Massachusetts justice; and that the two unanimous decisions of the Massachusetts Supreme Judicial Court should give entire confidence in the fairness of the trial and the justice of the verdict.

7732

4-29-27

April 29, 1927.

MEMORANDUM FOR MR. CARUSI.

I am attaching hereto, for your information, a copy of an article appearing in the Boston Evening Transcript for April 25th, 1927, by Dean Wigmore on Sacco & Vanzetti.

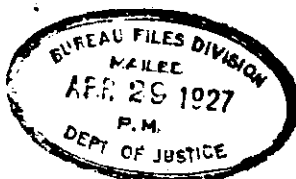
I thought you would be interested in this.

Very truly yours,

Encl.

Director.

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DATE 6/30/82 BY SP-100/AN



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| BUREAU OF INVESTIGATION |      |
| APR 30 1927 A.M.        |      |
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*See The Union Record*  
*#316 - March 21, 1933*  
UNION RECORD—A Newspaper for Thinking People

## CAUSES HOME T

Society Woman Greet Mrs. Sacco  
Wife of Imprisoned Radical Weeps



*Mrs. Nicola Sacco and Mrs. Glendower Evans*

Following the stirring Sacco-Vanzetti protest meeting in Boston, Mrs. Glendower Evans, leading society woman, philanthropist and lover of humanity, ran to the quiet little wife of the internationally known radical, under sentence of death for murder, and threw her arms around her. Mrs. Sacco wept during the wild demonstrations for her husband.

#30

SECRET

April 20, 1927.



MEMORANDUM FOR COLONEL DONOVAN.

I am attaching hereto, as of possible interest to you, a copy of an article which appeared in the Boston Transcript for last Monday evening, by Judge Wigmore in answer to certain statements which have been made concerning the Sacco - Vanzetti verdict.

Very truly yours,

61-126

Encl.

Director.

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429-

Box 100 - Seattle, Wash.

QJG:PO

April 20, 1927



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DATE 7/1/82 BY SP-100/61-126

J. H. Daly  
Box 970  
New York City, N. Y.

Dear Sir:

Reference is made to your letter April 20,  
1927, transmitting a report submitted by Confidential  
Informant [REDACTED] *b2 b7d*

I am returning herewith the original report  
together with a translation which I have made there-  
from. In order to avoid the opening of a new  
case title, I have given this the title of WORKERS'  
PARTY OF AMERICA: General Investigation, inasmuch as  
our interest would appear to be in the Communist  
attitude of the meeting described.

Yours very truly,

GEORGE J. STARR  
Special Agent in Charge

Enc-2

RECORDED

MAY 21 1927

61-126-763  
OF INVESTIGATION

MAY 3 1927 A. M.  
OF JUSTICE

Div. Two

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NY: 203  
61-126-764

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MAY 11, 1927

MAY 24 1927

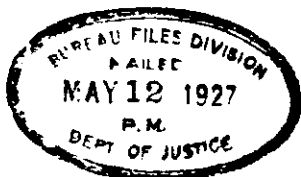
MEMORANDUM FOR MR. LUDWIG.

I am transmitting, attached hereto,  
for your information, clippings received from  
the Boston Office of the Bureau relative to the  
SACCO-VANZETTI case.

Very truly yours,

Director.

Enc. 61178.



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DATE 6/30/82 BY SP8B01/C

#28

Department of Justice

Bureau of Investigation

P.O.Box 239  
Boston, Mass.

2

PERSONAL:

May, 7, 1927.

Director,  
Bureau of Investigation,  
Department of Justice,  
Washington, D.C.

61-126

Dear sir:

Re: Sacco-Vanzetti Matter.

Attached hereto you will find clippings taken from the Springfield, Mass., Union., dated May, 6, 1927 and the Boston Mass., Post for May, 7, 1927 which I am sending for your information.

The clipping from the Springfield Union is in the form of an editorial entitled- "The Sacco-Vanzetti Petition", while the clipping from the Boston Post is in the nature of general news.

Very truly yours,

*John A. Dowd*  
JOHN A. DOWD.

Special Agent in Charge.

JAD.  
Incl. 2

R.C.

E.T.

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DATE 6/30/92 BY SP4 RBT/puk

*Boston Mass. Post*  
*May - 7 - 1927*

2

# I. W. W. IN THREAT TO GOVERNOR

## Will Hold Fuller "Murderer", If Van- zetti and Sacco Die

"We will hold you personally guilty of murder in the first degree if you allow Sacco and Vanzetti to be executed."

This communication was received by Governor Fuller yesterday in a letter from the I. W. W. of Chelan, Wash. The letter stated that, at a meeting of the organization, a motion was made and passed that a resolution be drawn up protesting Governor Fuller's action in "not pardoning these innocent men." The letter also stated that the men are

### Cotton Dresses For F



Three Vogue models made of all cotton material to be given at the Hotel Statler, May 13. The models were re-

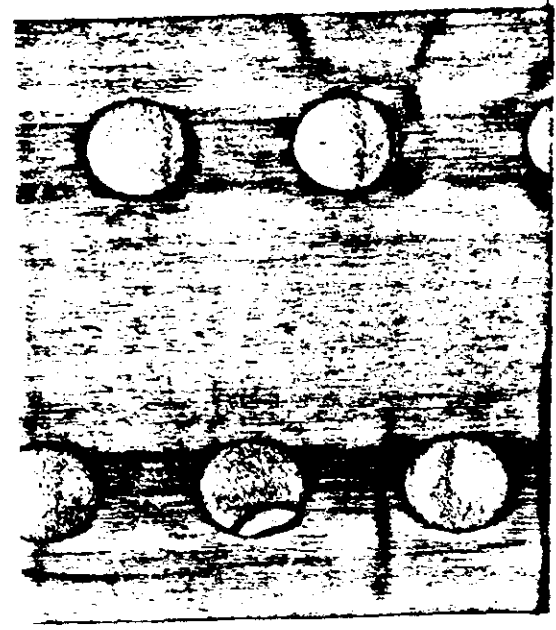
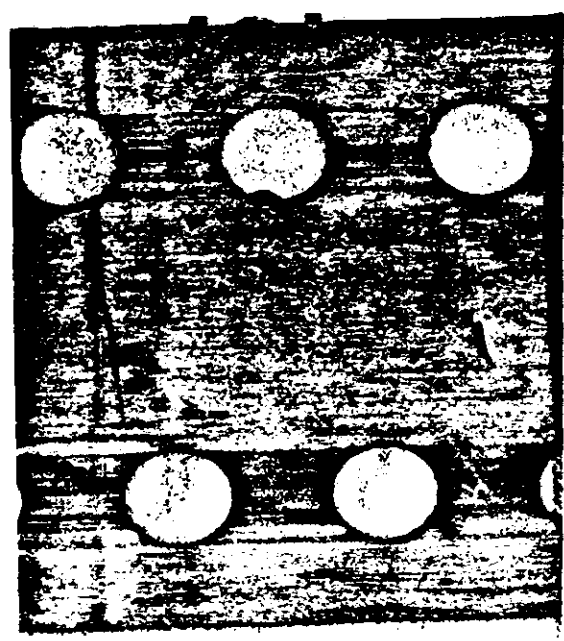
not guilty of the crime for which they were convicted.

### SOLONS ALSO IN PLEA

The signers of the letter are Martin Gilbertson, chairman; Frank Doyle, recording secretary; William Unger, Glen Fitz, Charles Harmon, Alexander Simpson and Steve Hessie.

A petition signed by a majority of the members and the presiding officers of both houses of the Wisconsin Legislature asking for an early and impartial investigation of the Sacco-Vanzetti case was also received by Governor Fuller yesterday.

Henry A. Huber, Lieutenant-Governor; John W. Eber, speaker of the Assembly; seven Senators and 69 Assemblymen signed the petition. The petitioners appeal to the Governor "as the only person who has power to prevent a miscarriage of justice and a great wrong."





## One of the Subtler Social Distinctions . . .

### Taking the Cunard Liverpool Route to London.

It's the regular thing with those persons whose standing has that "from generation unto generation" assurance.

They prefer the quiet exclusiveness of the Cunard Liverpool ships. They know that in the salons . . . as restful and well decorated as their own drawing rooms . . . they meet people who might be their own guests.

They know that the food is a delight to the epicure . . . a la carte, at no extra cost . . . because it's Cunard.

With that sense of values which distinguishes them, they know these are first class ships . . . and that their rates are moderate.

And finally they know the pleasure of motor-ing from Liverpool through rural England . . . the Dukeries . . . Cathedrals . . . Shakes-pere . . . Oxford . . . down to London.

The CUNARD LIVERPOOL SERVICE ships, Carinthia, Franconia, Laconia, Samaria, Scythia, sail from New York every Saturday, fortnightly from Boston—

the only weekly

## A. F. of L. Asks Retrial

The executive council of the Massachusetts branch, A. F. of L., through Martin T. Joyce, secretary-treasurer states that there is a reasonable doubt of the guilt of Sacco and Vanzetti, which can only be removed by a re-trial.

The letter continues, "As your Excellency is undoubtedly unable to grant the full remedy, you can contribute materially to the issue by a commutation of sentence, prolonging these lives while the intricate devices of the law are being searched out for a proper review of the facts in this case in the light of newly discovered evidence."

The letter concludes, "Truly, Sacco and Vanzetti suffer from the actions and efforts of some of their friends, but there are countless thousands in this Commonwealth who believe that the best traditions of Massachusetts would be served by an act of clemency on the part of your Excellency in behalf of these two men."

On the other side of the question is a resolution adopted by the Ohio Society Sons of the American Revolution, the Richard Montgomery Chapter of Dayton, Ohio, which follows:

"Be it resolved that we, the S. A. R. of the State of Ohio, in convention at Cleveland, do steadfastly affirm our confidence in and loyalty to the courts which have passed on this case, and the judges of these courts as properly constituted authorities in the case, and also make known to the Governor of Massachusetts our confidence in him as an American citizen sworn to uphold the integrity of his State and nation and the sanctity of American institutions, and our certainty that he cannot be intimidated by radicals in this or other countries."

The efforts to intimidate by threats against the lives of the judge who presided at the trial, according to the resolution "are part of a definite well organized programme by communists and anarchists to weaken the fundamental institutions of our form of government and pave the way for the world revolution which they intend shall overthrow it."

## RED PROPAGANDA

Agitators in France and Italy Paint Bay Staters as Primitive Tribe of People in "Foul Conspiracy" Against Sacco and Vanzetti

"Professional agitators are using the Sacco and Vanzetti case in France and Italy as a means of propaganda. The people there seem to think that these two men are martyrs in the hands of a primitive tribe and that they are being tortured for the high principles they entertain," declared Assistant U. S. Attorney Elihu D. Stone, who returned yesterday from an extended trip abroad.

Mr. Stone, who again took up his duties at the Federal building following a month in Palestine and several weeks in Europe, asserted that the people of France and Italy show the most extraordinary ignorance of the residents of this State, of the judiciary and the State government.

"They seem to have the conception that the people of Massachusetts are in a foul conspiracy against these men. It is quite evident that only one side of the case has been presented in Europe—and this by paid propagandists."

## TAUNTON MAN DIES

The Low-Priced Department of Quality with Economy

# The Springfield Union

The Most Widely Read Newspaper in Western New England.

Established January 4, 1864

Entered at the Postoffice, Springfield, Mass., as Second Class Mail Matter.

FRIDAY, MAY 6, 1927

THE UNION issues morning and evening editions, each intended to fulfil the functions of a complete and satisfying newspaper.  
SUBSCRIPTION RATES: Morning or evening edition, \$5 a year, 50 cents a month.  
TELEPHONE RIVER 3200.

MEMBER OF THE ASSOCIATE PRESS  
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The Union cannot undertake to return manuscripts sent it for publication unless they are accompanied by postage. No attention paid to anonymous contributions.

## Mellon's Reply to British Note

The British note on the subject of Secretary Mellon's reply to members of the Princeton faculty is a clear indication of the touchiness of European nations on the subject of the war debts and of their desire to reopen the whole question. In debtor countries this attitude is not unnatural; it is always more pleasant to borrow than to repay and quite human to ask for a reconsideration followed by better terms.

The implied offer by Great Britain of a partial cancellation of the loans is comprehensible enough. If A owes B \$100, and B owes C \$100, B is naturally willing to call it even all around, standing to lose nothing in the process save the trouble and expense of collecting and disbursing the \$100. But unless the circle is completed by C's owing \$100 to A, then C, standing in this case for the United States, naturally balks at the suggestion of canceling the debts, having \$100 to lose in the cancellation. The United States is a creditor country, not a debtor country; it does not owe Germany or France sums which France and Germany owe Great Britain, and therefore whatever sums were struck off the accounts would represent a clear loss to the United States.

By using its phrases in a sense different from that adopted by Secretary Mellon, for example by making the term "allied war debts" exclude debts for war stocks, the British government can arrive at different figures from those of Secretary Mellon, but as the Secretary points out, this does not represent a difference as to fact, but "simply a failure to join issue." However, even these varied interpretations are of consequence only as they apply to the period prior to September of next year. After that, the British government admits, it will receive from Germany and from its debtors sums "sufficient to cover the current payments due to the United States government," providing the Franco-British debt settlement is ratified.

This is the fact which Secretary Mellon desired to emphasize in answering the Princeton professors. It defeats the argument that we are being unjust to Great Britain in asking for repayment of the war loans. Plainly we are not unjust if Great Britain will soon receive from its debtors as much as or more than it will pay to its creditor. It was by stating this that Secretary Mellon disposed of the argument of the Princeton professors, and it is by restating it that he disposed of the British reply.

There is no need for him to alter his stand here, or in his previous contention, reiterated in

can be reached and accepted by the conference, there will still be the problem of their acceptance or rejection by the governments of the nations. The chief difficulty preventing agreement at these conferences seems to be the nationalistic spirit in which the delegates attend them, but the feeling naturally grows even more intense when the problems are presented to the governments themselves. This nationalistic spirit has been virtually as influential in determining the attitude of the delegates and the governments of League nations as in determining the attitude of those of non-members. The delegates attend these conferences secondarily, it would seem, to further the cause under discussion, but primarily to protect and advance the interests of their own countries. This is natural and perhaps inevitable, but it proves a grave obstacle to the achievement of comprehensive

## The Sacco-Vanzetti Petition

For the concerted resolutions, warnings, appeals and demands sent to Governor Fuller by all sorts of people in all parts of the country regarding the case of Sacco and Vanzetti, is now substituted a legitimate and proper petition of the convicted men through their counsel for the Governor's exercise of his constitutional powers for the review and possible mitigation of sentences imposed in the judicial courts. This petition is as properly a part of the judicial procedure as appeals to the trial judge for a new trial or appeals to the Supreme Court to set aside decisions of the trial justice.

Naturally such a petition does not include the absurd and even impudent demand that the Governor appoint "an impartial commission of intelligent citizens." The counsel for the defense is too wise to couple an attack on the trial judge with an implied indictment of the impartiality and intelligence of the Governor and his Council to whom appeal is now made. The Governor is not asked to farm out his powers and duty to a commission whose findings, even if unanimous, would have no judicial standing. Even if the Governor acted upon the findings of such a commission or was influenced by them, any decision he made would require the approval of the Council. This petition through counsel for the convicted places the case before the Governor and Council in a legitimate and proper manner.

Hence, in this petition, if anywhere, should be found the very best of the legal or rational grounds for the use of the Governor's powers to mitigate the sentences imposed by the trial court and affirmed by the Supreme Court. In the main the petition is an attack, not upon the evidence nor upon the jury which found the accused guilty beyond a reasonable doubt, but an attack upon Judge Thayer; and in the main also it is an attack not upon his judicial discretion in court but upon his personal discretion out of court. In this respect it is an unusual type of petition.

To be sure the petition questions the nature of some of Judge Thayer's discretionary acts in court such as "the refusal of the judge to check the district attorney's unfair cross-examination," "the refusal to interfere with the methods employed by deputy sheriffs to secure additional jurors," the refusal to separate the cases of Sacco and Vanzetti, "the constant suggestions to the jury of patriotic duty" and the contemptuous manner shown by the judge to Sacco's counsel, Mr. Moore, and "the repeated decisions of discretionary questions without the presence

any such incident or conversation, not comment upon the value of the evidence or upon the reasons in cases for failing to be impressed.

It on the one hand there is a representation of the unfairness of Judge Thayer's court, it is certainly remarkable that his unfairness out of court of value in a petition to the Governor not have been obtained from more and less imaginative sources. The petition appears to be the main counsel for the defense in their view of the Governor that Judge Thayer's fair, that the verdict of the jury was warranted and that the decisions of the Court were unjustified.

## Fifteen Million Flooded

It is necessarily difficult for the flooded regions of the Mississippi from St. Louis to the Gulf of Mexico to estimate the extent of the disaster. The over two days has raised the total flood in three States of Louisiana, Mississippi and Arkansas to nearly 10,000,000 about 15,000 square miles. This is equivalent to the total land area of Massachusetts, Rhode Island and Connecticut combined.

The extent of the flooded districts visualized in another way by imagining the Connecticut River that flows into its mouth would cover with water equal to one half of the States of New Hampshire, Vermont, Massachusetts and Connecticut. It would be a flood more than cover the whole water area of Connecticut River.

While there has been much destruction of villages along the river the heaviest probably on the farmers, property has been swept away and their families have been driven from their homes to rescue camps where they must remain many days till the waters recede. The situation on both sides of the river is an agricultural disaster. If there is an agricultural distress in the Federal assistance, it is in this situation and not in the Corn Belt where the farmers are due largely to the after the stimulated inflation of the Federal Government the problem of this great river and the future from unusual floods.

## On The Firing

By R. P. M.

### MOTHER.

The very cutest taste she showed  
In high-heeled shoes and airy  
Her garters matching, all a-jangle  
A dozen pairs, I think, she has  
A tip of bloomers showing  
Beneath a skirt  
That wouldn't hurt  
By little longer growing:  
Her head a golden shining knob  
With hair cut in the latest bob  
A sunny smile and snowy teeth

the present reply, that we secured wartime goods and services by payments of cash to Great Britain, while Great Britain secured goods and services from the United States on credit. The fact that some of the dollars used by the United States for the purchase of pounds with which we secured goods and services in Great Britain found their way back to the United States, when used for the later purchase of goods in America, is properly regarded by Secretary Mellon as immaterial. The payment of dollars increased British cash resources. The promissory notes we received from Great Britain for goods and services did not increase our cash resources.

In effect the United States government borrowed from its people in order to enable Great Britain to secure necessary goods and services. It now remains with Great Britain to repay not the American government but the American people, so far as British capacity to pay permits. This it has been doing and this, doubtless, it will continue to do, despite an occasional grimace.

There may come a time when for one reason or another reconsideration of the entire question of war debts will be advisable, but that time is not now.

### International Economic Conference

The International Economic Conference now meeting at Geneva may accomplish some good indirectly by giving wide publicity to and increasing understanding of economic problems and conditions which the countries of the world are finding troublesome. But it is difficult to share the opinions of enthusiasts who believe that the conference is of enormous importance and that it may overshadow all previous activities of the League.

The total officially in attendance at the conference is a thousand or more. Aside from their five principal delegates, France and Great Britain are each sending 60 experts. The very size of the conference increases the probability of deadlocking disagreements. But even should it avoid disagreements and arrive at important recommendations it would remain with the nations represented to act upon them by framing treaties or to refuse to act. Experience has shown that while there is ordinarily considerable difficulty in adopting recommendations at these conferences there is much more difficulty in getting them translated into action by the governments of the nations concerned. It is comparatively easy to hold a conference which ultimately recommends the outlawing of poison gas, but it is virtually impossible to induce the governments of the great nations to outlaw it.

Speeches and reports will be presented to the conference during its early hours, after which it will split up into three main divisions, on commerce, industry and agriculture, each with numerous committees and subcommittees to consider certain problems or certain aspects of problems. It is not improbable that members of the main divisions and of the sub-divisions will then find themselves unable to agree. Disagreements were a daily feature of the last important conference in Geneva, that on the limitation of armaments.

But assuming that definite recommendations

are made by the stenographer so that the record would not show all that occurred."

It will be plainly observed that if these allegations have any value at all, they must have had them primarily in the two appeals to the Supreme Court for new trials. If Judge Thayer abused his discretion in upturn in refusing to check an unfair cross-examination by the district attorney, the Supreme Court had the power and duty to count it an error in a mistrial. The same may be said of the allegation as to the methods of the deputy sheriffs in finding additional takersmen for the jury. As a matter of fact this same point was raised in an appeal in the well-known Tucker case a score of years ago and the Supreme Court then quoted authorities for such methods and pointed out both the warrant and justice of this emergency method of restoring an exhausted panel. It is strange that such able counsel as Sacco and Vanzetti now have should have raised this point in view of well-known and generally accepted precedents in procedure.

In any case if the Supreme Court declined to accept, as it did, this and other allegations of the counsel as abuses of the discretion of the trial judge, why should the Governor or his Council consider them sound reasons for setting aside the unanimous action of the Supreme Court? All of them concern the fairness of Judge Thayer and had they been sound allegations the Supreme Court could have held them or any one of them as sufficient cause for setting aside Judge Thayer's denial of a new trial.

So far, therefore, as the petition concerns the conduct of Judge Thayer in court, what we have is a plea to the Governor to repudiate the unanimous decision of the Supreme Court. There is only slight appeal made for clemency because of an alleged insufficiency of evidence against Sacco and Vanzetti. There is no plea that Judge Thayer was anything but fair in his charge to the jury in which he stated the nature of circumstantial evidence and pointed out the fact that the accused must be held to be innocent unless the evidence was convincing of guilt beyond a reasonable doubt.

Virtually all the support in this petition for the charge of the unfairness of Judge Thayer consists in affidavits from a few people alleging that in conversation with Judge Thayer out of court he had shown bias. These are the only new features in the case and considering the circumstances and considering from whom the affidavits come, they can hardly be regarded as impressive.

Their value can be indicated by the affidavit of Robert Benchley, the dramatic editor of "Life," who declares that in 1921 he and his wife were visiting friends, Mr. and Mrs. Loring Coes, in Worcester, and one day Mr. Coes came out of the Worcester Golf Club and told him of a conversation he had just had with Judge Thayer in which the latter was represented as saying that he would "get those guys hanged" and making other remarks of a similar nature.

At best this was the say so of a New York man based on the say so of a Worcester man alleging that Judge Thayer once said so and so at a golf club. What it is at its worst is shown by the prompt denial by Mr. Loring Coes of

lying within a color scheme. Where sometimes there, to my regret shines out a dainty cigar. My mother dear, so gaily clad. You'd think the sole idea she had. Or could express was hat and dress; But stay, let pain and sorrow be. And friends depart and riches flee. We know her depths of tenderness. The world goes by . . . we let it go . . . Her golden heart of love we know. Though none may see or know or care. The mother love is always there—There and unselfish—never other. So loyal, sweet and dear as Mother.

ETHEL C. TRITTON.

Williamsburg, May 5, 1927.

### The Sacco-Vanzetti Conspiracy.

With the aid of several college professors, a dozen sweet girl sophomores, three anarchists, an 1876 calendar and a secret chart that was dug up on Cocos Island, Old Bill Beezer has succeeded in dishing out the great Sacco-Vanzetti conspiracy.

"It is this way," says Bill. "The judges of the Supreme Court and the judges of the Superior Court, feeling bloodthirsty as usual, thought it was about time to electrocute a couple of innocent men. Massachusetts hadn't electrocuted any innocent men for almost two years and the judges naturally felt that something ought to be done about it. So they all got together and decided to frame up Sacco and Vanzetti."

"Of course, to make it a go, they had to have a murder or something that looked like a murder, so they sent for Paymaster Furmester and his guard, and they arranged it with him to shoot the guard and then have the guard shoot him, after which he, or maybe it was the guard, was to hide the payroll money and put the pistol in either Sacco's or Vanzetti's pocket."

"There was a little hitch right here because the paymaster and the guard said they didn't know Sacco or Vanzetti. What difference does that make?" said the judges. "Neither do we know them." "Well," says the paymaster, "why have you picked them for the frameup, if you don't know them?" The Superior Court judges ruled the question out of order and the full bench of the Supreme Court sustained the ruling, so there was nothing left for the paymaster and the guard to do but go ahead with the plot.

"The police were let in on it, too, because it was up to them to arrest Sacco and Vanzetti after the paymaster had shot the guard and the guard had shot the paymaster."

"The plot worked like a charm. Sacco and Vanzetti were dragged into court and charged with the murders, and although they and their friends protested that they were respectable Communists, whose business was overthrowing governments, the judge and the jury refused to believe them and found them guilty of murder."

"To prove their innocence, Sacco's and Vanzetti's friends in Paris, Buenos Aires and a lot of other countries bombed the American legations and threatened to assassinate all the judges in Massachusetts, but without the slightest effect upon the obdurate courts."

"Even when the girls at Wellesley College and the Mt. Holyoke faculty read something about the case in a pamphlet and decided that Sacco and Vanzetti were innocent, the courts remained adamant. I never saw anything like it."

"A man out in the State of Washington who knew a man who knew another man who read something about the case in a tabloid newspaper pronounced Sacco and Vanzetti innocent, and down in New York city the anarchists and other radicals had a massmeeting at which they spat on the United States flag and demanded the immediate release of Sacco and Vanzetti."

"In the face of such evidence, how Gov. Fuller can do anything but pardon the two prisoners and abolish all the courts of Massachusetts, or, at least, electrocute all the judges, is more than I can see," said Old Bill, with much feeling.

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HEREIN IS UNCLASSIFIED

DATE 6/30/82 BY SP-857/ma

61-126-765

May 7, 1927.

61-126

RECORDED

MAY 1927

MEMORANDUM FOR MR. LAMRING.

I am transmitting, attached hereto,  
for your information copies of newspaper  
clippings relative to the SACCO-VANETTI  
case.

Very truly yours,

Director.

Inc. 61165.

ALL INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED

DATE 6/30/82 BY SP-8 BTJ/mc

Department of Justice

Bureau of Investigation

Box 239, Boston, Mass.

May 5, 1927.

Director,  
Bureau of Investigation,  
Department of Justice,  
Washington, D. C.

Re: SACCO & VANZETTI MATTER  
CONFIDENTIAL MATTER

Dear Sir:

In connection with the above entitled matter you will find attached hereto pages one and twelve of the Boston, Mass. Post, issue of May 5, 1927, in relation to a petition for executive clemency in behalf of the above named persons filed at the State House, Boston, Mass. by counsel for the above for the consideration of the Governor of the Commonwealth of Massachusetts.

Very truly yours,

*John A. Dowd*

JOHN A. DOWD  
Special Agent in Charge.

JAD:MFD  
Encl. 1

7:11

DECLASSIFIED BY SP-8 BTJ/mc  
ON 6/30/82

RECORDED

MAY 9

*The following*  
*5/17/27*  
67-126-76  
BUREAU OF INVESTIGATION  
MAY 9 1927  
Div. One  
Div. Two

*the Boston Post May 6, 1927*

# MAKES PLEA FOR JUSTICE, NOT PARDON

## Vanzetti Sends Long Petition to the Governor---Agreed To, But Not Signed by Sacco

## Judge Thayer Flayed for Alleged Bias---Affidavits Offered to Support Charges

A petition for executive clemency on behalf of Sacco and Vanzetti, internationally known radicals, was filed at the State House yesterday by Attorneys William G. Thompson and Herbert B. Ehrmann, counsel for the condemned men who are awaiting execution for the murder of a paymaster and his guard at South Braintree seven years ago.

The petition, which was drawn up by Vanzetti and counsel, was signed only by Vanzetti. Although Sacco stated that he approved of the petition he would not sign it on the ground that it was against his principles to sign any petition that was not addressed to the people.

According to Dr. Abraham Myerson, the psychiatrist who examined Sacco when the latter was on a hunger strike in Dedham Jail three years ago, Sacco is suffering from an abnormal mental condition which amounts to an obsession, although it is not insanity.

Accompanying the petition were five affidavits alleging bias on the part of Judge Webster Thayer, the trial judge, and a statement from George U. Crocker, former treasurer of the city of Boston, who also alleged bias on the part of the trial judge. All five affidavits are based on conversations with Mrs. Lois B. Raitoul, John Nicholas Beffel, Robert Benchley, Elizabeth R. Bernkopf and Frank P. Sibley claim to have had with Judge Thayer during the course of the trial.

Continued on Page 12--Second Col.

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DATE 6/30/82 BY SP-8 BJS/mh



# Vanzetti Pleads for Justice, Not Pardon

Continued From First Page

The petition does not ask for a pardon because Vanzetti claims that he and his comrade Sacco are innocent of the murder for which they were convicted, but it does ask for freedom or if the Governor does not believe their statements, the petition requests a preliminary public investigation.

"We would not have you believe that we are asking for mercy or for any thing but justice," the petition states, "or that we would purchase our lives by the surrender of our principles or of our self-respect."

## Admit Anarchy Beliefs

The petition frankly states that both of the condemned men are anarchists and goes on to state at some length the character of the anarchistic views which they hold. Although anarchists generally believe in violence as a means of accomplishing their end, Vanzetti seems to hold that violence is justified only against an oppressor or tyrant and in self defence.

The petition also reviews the main points in the case, the tell tale marks on the fatal bullet which the government contended came from the gun found on Sacco at the time of his arrest; the lies they told about the purchase of the guns and ammunition found on them, the cap found at the scene of the crime, which the government contended was Sacco's cap and the attitude of Judge Webster Thayer, the trial justice, which they claim was unfair.

The petition asserts that by reason of their innocence and the unfairness of their trial, they are entitled to their freedom or to a public investigation of the charges against them.

## Why Sacco Didn't Sign

Attorney Thompson in his letter of explanation to Governor Fuller sets out the reason why Sacco did not sign the petition as follows:

"The petition which we are now sending you was carefully read to Sacco; he followed it in a typewritten copy, and evidently understood it perfectly well. He expressed his agreement with every statement in it; but when asked to sign it declared that his principles forbade him to sign any paper not addressed to the people, by which we understood him to mean the working classes. Four of his friends, and also Vanzetti, were present and combated his position with every argument they could think of; but although Sacco appeared to assent to the premises, he seemed unable to draw the logical conclusion from them. While he expressed himself as not unwilling that we as his counsel should do whatever seemed to us best on his behalf, and was willing that we should sign the petition ourselves, he was not willing that we should attach his name to it."

"It appeared to us that Sacco's inability in this matter indicated that he was in an abnormal condition of mind. We therefore requested Dr. Abraham Myerson, a well known psychiatrist, who had seen Sacco in 1917, to examine him this morning. We are sending you herewith Dr. Myerson's original report addressed to Mr. Thompson. In addition to the statements made by Sacco to Dr. Myerson we may add that he has recently frequently stated to us that he was completely discouraged; that he had no more hope in any efforts that might be made on his behalf; that he felt sure that every department of the government was determined upon his death; and that he believed that if he were dead and out of the way, that might relieve the suffering of his wife, in whom prolonged anxiety and worry might, he feared, result in a nervous collapse or something worse. In a word, he seems to be in a condition of complete dejection and despair."

## As Joint Petition

"Under these circumstances it has seemed to us proper, as Sacco's counsel, to ask you to consider this petition as the joint petition of Sacco and Vanzetti, and to ignore the absence of Sacco's signature. Personally we have doubt that if he were in the same normal condition in which he has been from time to time during his imprisonment he would without hesitation sign the petition, and we do not think he ought to be prejudiced by the peculiar mental condition into which he appears to have come."

## VANZETTI'S PLEA

Attacks Judge Thayer as Unfair— Says Radical Beliefs, Not Men, Were on Trial

The plea of Sacco and Vanzetti as submitted to the Governor yesterday, follows, in part:

COMMONWEALTH OF MASSACHUSETTS

Dedham Jail, May 3, 1927.

To the Governor and Council of Massachusetts:

We, Bartolomeo Vanzetti and Nicola Sacco, confined in the jail at Dedham under sentence of death after conviction of the crime of murder in the first degree, hereby pray you to exercise the power conferred upon you by the Constitution of Massachusetts publicly to investigate all the facts of our cases and set us free from that sentence, if the findings will so dictate to your understanding and conscience. We deem the faculty of compassion to be one of the highest of the human attributes, but here we are asking not for mercy but for justice, and this is the reason why we have not used the printed form provided for petitions of this nature.

...and we have not used the printed form provided for petitions of this nature.

After such a plea

Our present request is made free and foremost on the ground of our innocence. We had nothing what ever to do with the South Braintree crime. Our instincts make us feel that our principles condemn such a crime.

We call your attention to the well known facts that at the time of the crime, after it, and ever since we have come to this country, we had earned our own living with hard work; that one of us was able to make large wages and to accumulate a substantial savings bank deposit; that the other could easily have done the same were it not that being single and of a restless mind he thought more to give than to save; and that both of us could have had an independent position in this regard of our earnings here.

We pray you to consider also that robbery make away with their money and do not linger about the scenes of the crime in order to address public meetings in behalf of the persecuted Italians, which is exactly what we were preparing to do at the time of our arrest; that when the motive charged for murder is robbery, such evidence is

usually offered that the accused were found in possession of some of the stolen money, or that their condition in life had changed after the robbery. Not the least evidence of that sort was offered against us, and there is no such evidence.

It must be considered that in this case the eye witnesses who had the greater opportunity in time and location to see the crime and the criminals have testified that we were not the men, and that they greatly outnumbered those who testified that we were the men; that some of the witnesses called by the prosecutor to identify us had immediately after the murder identified photographs of other persons as the murderers; that some witnesses who were unable to identify us at the police station identified us more than a year later at the trial—doing it with such a particular description (wrong in its would-be most important particulars) that a scientist said it would be impossible for a human being to observe so many things in such a short lapse of time, several seconds. Moreover, some of the witnesses who identified us at the trial had not only not come to see us after our arrest, but had a that very time confessed to creditable persons that they would be unable to identify any of the criminals. Spodrigo, a professional criminal greater probation, and Lois Andrews, worthy of pity and star witness, are of them. Besides all this, each of us showed by reputable witnesses that he was elsewhere at the time of the murder.

...the claim that the bullet that was found in possession of Berardelli's revolver. The claim was not true, and the careful analysis that has been made of the evidence upon which the government relied shows that instead of proving that the revolver was Berardelli's revolver, it proves that it could not have been Berardelli's revolver. The claim that the bullet that had passed through Sacco's pistol was in dispute between the experts at the trial, and was brought into a serious doubt by the careful examinations made by the expert employed by our counsel after the trial, that the evidence did not prove any such fact is conclusively shown by the sworn statement of Captain Proctor after the trial that:

"At no time was I able to find any evidence whatever which tended to convince me that the particular model bullet found in Berardelli's body, which came from a Colt automatic pistol, which I think was numbered 3 and had some other exhibit number, came from Sacco's pistol, and I so informed the district attorney and his assistant before the trial. . . . Although I repeatedly talked over with Captain Van Amburgh the scratch or scratches which he claimed tended to identify this bullet as one that must have gone through Sacco's pistol, his statements concerning the identifying marks seemed to me entirely unconvincing." The attempt to prove that the cap of one of us was found near the murder utterly broke down. Sacco's employer, Kelly, who was the only witness for the government on that point, said that the cap found resembled Sacco's cap, "in color only . . . general appearance, that is all I can say," and said that another cap used as a store sample was "the nearest thing" he had seen to Sacco's cap. And he testified positively that he had not intended to identify the cap picked up at the scene of the murder as Sacco's cap. Mr. Katzmann, taking advantage of the fact that there were four caps in court, one of which was taken from Sacco's house, told the jury that Sacco denied his own cap, when Sacco's answer about a cap that he had not seen for a year (the one taken by the police from his house) was, "It looks like my cap" and "I think it is my cap, yes."

#### "Consciousness of Guilt"

The breakdown of all this evidence left nothing against us but what the judge called "consciousness of guilt," which he says is what convicted us. His words were:

"For these verdicts did not rest, in my judgment, upon the testimony of the eye witnesses, for the defendants, as it was, called more witnesses than the Commonwealth who testified that neither of the defendants were in the bandit car. The evidence that convicted these defendants was circumstantial, and was evidence that is known in law as 'consciousness of guilt.' This evidence, corroborated as it was by the eye witnesses, was responsible for these verdicts of guilt."

To this evidence of consciousness of guilt we will refer in a moment, only saying now that the only guilt we were conscious of was the guilt of being radicals in danger of arrest.

...the claim that the bullet that was found in possession of Berardelli's revolver. The claim was not true, and the careful analysis that has been made of the evidence upon which the government relied shows that instead of proving that the revolver was Berardelli's revolver, it proves that it could not have been Berardelli's revolver.

The second ground of our prayer is that our trial was unfair, unworthy of even-handed justice which your state and your country profess to represent. No argument, no explanation, no excuse, can ever blot out the facts that the testimony of Captain Proctor, who believed us innocent, was deliberately perverted by the prosecuting officer; or that our cross-examination, and especially the cross-examination of Sacco, as to radical views, friends, and publications, was designed to excite the utmost prejudice and hostility against such men as we are; or that it was admitted by the judge on the false ground stated by the district attorney that he desired to ascertain whether we were really sincere radicals, or only pretending to be radicals. Proof has been furnished and never contradicted that at the very time when the district attorney was offering this reason to justify that cross-examination, he had received full information from agents of the Federal Department of Justice about our views and associates, and that we were on the list of men to be watched as radicals. In overruling the objections made by our counsel to this cross-examination the judge made statements in the presence of the jury which were uncalled for by anything that had occurred, and must have operated to deepen the prejudice against us. It seems to us little short of mockery to suggest that the effect of such occurrences could have been removed by mere general admonitions to the jury to treat us fairly.

#### Testimony "Suppression"

Further facts which cannot be explained away were the suppression by the district attorney of the testimony of the important eye-witnesses, Mrs. Kelly, Mrs. Kennedy, Gould, and others who would have given testimony favorable to us, and were suppressed, not because the district attorney distrusted them, but simply because their testimony would have contradicted what he was trying to prove. These facts were undisputed by affidavit or otherwise when our motions were argued. And so was the fact that the district attorney called as a witness to discredit one of our witnesses a detective named Hellyer, who had with him a notebook in which the incidents of his investigation immediately after the crime were all set out, including the refusal of Mrs. Kelly and Mrs. Kennedy to identify either of us, the identification by some of the government witnesses of other persons as the murderers in Captain Proctor's office, and the general weakness of the government's case against us. All this was unknown to our counsel, and the district attorney asked no question that would disclose it. Nor did the district attorney disclose at the trial the fact that one of the witnesses upon whom he relied to show that Berardelli's revolver was subsequently in the possession of one of us, had himself been a local agent of the federal Department of Justice at the time of the Red agitation when we and our friends were being investigated, persecuted, and murdered by some of those agents.

There is one other matter that ought to be mentioned here. The district attorney used as an Italian interpreter a man named Ross, who is now serving a sentence in the House of Correction.

...the claim that the bullet that was found in possession of Berardelli's revolver. The claim was not true, and the careful analysis that has been made of the evidence upon which the government relied shows that instead of proving that the revolver was Berardelli's revolver, it proves that it could not have been Berardelli's revolver.

...the claim that the bullet that was found in possession of Berardelli's revolver. The claim was not true, and the careful analysis that has been made of the evidence upon which the government relied shows that instead of proving that the revolver was Berardelli's revolver, it proves that it could not have been Berardelli's revolver.

#### Judge's "Persistent Belief"

Mrs. Rantoul in her affidavit says that Judge Thayer talked to her about what a witness had said outside of court, and it seems to us something besides evidence in the case is necessary to account for Judge Thayer's persistent belief in our guilt. It seems strange that a judge should be allowed to form opinions about guilt or innocence from what is said to him outside of court, when the jury is forbidden to listen to anything except what they hear in open court. The district attorney cannot see that he did not know what kind of a man Ross was because Ross had before that been in trouble with several district judges.

Much had been said in praise of the fairness of the judge who tried us. But we have learned to our sorrow that professions of fairness do not necessarily mean real fairness, and may cover an intention to use the great judicial power to secure a conviction which under the form of law will stand. We understand that this power is called "discretion," and that the judge who uses his discretion to convict is beyond the reach of any other tribunal unless it can be proved that he was corrupt or irrational.

We do not intend to enter here a criticism of your system of law. We simply point out what it means to men of our hated class when brought before one of your tribunals. Consider the nature of some of these discretionary acts—the refusal of the judge to check the district attorney's unfair cross examination of both of us, especially Sacco; the refusal to interfere with the methods employed by the deputy sheriffs to secure additional jurors; the refusal to separate the two cases so that Sacco might not be injured by association with a man who, before the same judge and by methods equally reprehensible, had been previously convicted of another crime of which he was innocent; the constant suggestions to the jury of patriotic duty as contrasted with our pacifism, cosmopolitanism, and refusal to be drafted to fight; the contemptuous manner and tones of voice shown by the judge to Sacco's counsel, Mr. Moore; the repeated decisions of discretionary questions without the presence of a stenographer (to which our counsel objected) so that the record would not show all that occurred.

### Betrays Real Animosity

These are but samples of the "selection" exercised by the Judge. Among the worst in the manner and substance of his decision on our last motion, in which he betrays his real animosity toward us; makes numerous statements of fact agreed by the district attorney himself, to be untrue; confines attention to the confession of Medeiros, which was but the starting point in the proof our counsel offered that the crime was committed by the Morelli gang, and passes over in silence almost all of the 60 affidavits which corroborate Medeiros; making a finding of fact against us which, since it could not be shown to be corrupt or irrational, was final. And yet we are informed that the leader of the Morellis, a robber by profession, easily obtained his parole, and now roams the countryside in an expensive automobile, with a private chauffeur.

From the very beginning of the trial the judge stirred up the political, social, religious and economic hatred of the jurors, and their fears and antagonism against us, but covered himself by admonitions to the jury from time to time to treat us fairly and impartially; so that we were really tried not for murder, but for being radicals, draft evaders and pacifists.

Of course the judge has many times denied this, but that that was his real attitude is conclusively shown by the affidavits which we are sending you with this request. They are the affidavits of Frank P. Sibley, Elizabeth R. Bernkopf, Robert Benchley, John Nicholas Bessel, Mrs. Lois B. Rantoul, and an original unsigned statement prepared and sent to our counsel by George U. Crocker, in which he states that he will at any time verify the same by appearing personally before you in the presence of Judge Thayer. Our worst enemies will hardly be able to make an argument against us because we did not first seek to obtain the discretionary judgment of the judge himself upon these affidavits. These affidavits should be read in connection with the uncollected letter of Professor James P. Richardson of Dartmouth College. If all those who know the facts were brave enough to disclose them, the number of such affidavits could be multiplied indefinitely. If it is proper for us to do so in this paper, we now appeal in the name of humanity to all men who know the facts about Judge Thayer's constant remarks against us outside of court, to come forward and disclose those facts to you.

### Was the Judge Fair?

Can anyone bring himself honestly to believe that such persistent prejudice, hostility, and displacement as are disclosed in these affidavits did not affect the discretionary rulings of the judge? Is it to be believed that the operation of such prejudice was interrupted at the moment of each discretionary ruling? In the light of these affidavits, and of the facts which you can read in the record in this case, we ask you, Excellency, were we given a judge as "impartial and independent as the lot of humanity will admit?"

...the world on this matter...  
...the truth would have been...  
...a perquisition, a...  
...a cheap revolver, as most of the...  
...an innocent letter from a...  
...a booklet or periodical would have been...  
...enough to cause arrest,...  
...spitting of families, deportation, and...  
...worse. It was to avoid such...  
...ings that we told them. We are...  
...who seek to avoid trouble by...  
...or by ruining others.

We have referred to the...  
...trial and the Bridgewater...  
...which one of us was previously...  
...victed. At that trial...  
...testify because he was...  
...counsel that if he did, his...  
...would be brought out and would...  
...convict him. So he remained silent, and was convicted just the same.

It seems that if a radical, when accused of crime, does not testify, that is enough to convict him; and if he does testify, his radicalism will convict him anyway, and also he is blamed for opening up the subject of radicalism. What is a radical to do under the circumstances?

### Anarchistic Views

What are these views and opinions that have brought us to death's door? We are compelled to state them here because they are so different from what the jurors supposed they were. All the jurors knew before the trial that we were Italian anarchists, because the papers had said it, and every American reads the paper. Katmann also was careful enough to ask in the cross-examination of a defence witness, who denied that the men he saw on the sidewalk before the murder were us, "Have you not said before that they (the men on the sidewalk) looked like regular Wops?" and again that they were "low (if not lowest) types of Italians" (quoted from memory). If we had been high types of Americans and conservatives, as the jurors were, such questions would not have been put. Katmann did it because aliens, "the lowest types of Italians" and "regular Wops" are to most Americans synonymous with and personification of crime and criminals. He did it because he knows that to our jurors the word "anarchist" is a compendium of all that is bad and wrong in man, and means a potentiality of wrong and of crime. The jurors are sincere, genuine in their wrong exploited beliefs.

We cannot explain here why they believe so, nor explain the conduct of our people in this country, nor why we are proud to be Italians, even if we were of a low type, nor why we are not ashamed to be anarchists, nor why the jurors' opinions on these things are utterly wrong. But we point out and we invoke the testimony of men of science, of good sense and understanding, that men supposed by jurors to be the kind of men we were cannot obtain justice. Jurors, and even judges, believing anarchists to be wholly bad people, cannot do them justice, even though they want to. They must be

...against an...  
...selective...  
...now we are...  
...a...  
...supreme authority of a great State in the ethnic human meaning, to ask you justice. Should we try to hide from you our beliefs and faiths; to sneak before you in order to avoid contrast and antagonism, and so to...  
...you in our behalf and thus to...  
...hards and unfair before you, speaking and ourselves? We refer you to our words to Judge Thayer when we were sentenced, words that sprang...  
...porance from our very heart, and permit us to say that we believe that you yourself would disapprove if we now said anything else.

### A Philosophy

We are anarchists, believers in anarchy, which is neither a sect nor a party, but a philosophy that like all the philosophies aims to human progress and happiness. Our goal is the ultimate elimination of every form of violence and the utmost freedom to each and all actuated by the elimination of every form of oppression and exploitation of the man by the man. Our sense and ideal of justice is based on the principle of man's self-respect and dignity; of the equality of men in their fundamental nature and in their rights and duties.

We call ourselves Libertarians, which means briefly that we believe that human perfectibility is to be obtained by the largest amount of freedom, and not by coercion, and that the bad in human nature and conduct can only be eliminated by the elimination of its causes, and not by coercion or imposition, which cause greater evil by adding bad to bad.

We are not so foolish as to believe or to advocate that human institutions be changed in a day. The change must be gradual. But we do believe that there ought to be a change, and that it should be in the direction of more freedom and not more coercion. That is where we are opposed to every theory of authoritarianism, communism and socialism; for they would rivet more or less firmly the chains of coercion on human spirit, just as we are opposed to the present system, which is based upon coercion.

### What Anarchy Means

The term "anarchy," as your Excellency knows, means literally the absence of government, and "anarchist" a disbeliever in government, and eventually in actual law. We admit it before the supreme authority of a great State (ethically); even though it may cause us to appear monstrous to you; certainly to appear to most men dangerous criminals. Forgive us an explanation, which we could make entirely in the words of Thomas Jefferson, Thomas Paine, Ralph Waldo Emerson, Abraham Lincoln, Benjamin Franklin, and other great Americans. We know that to be free, man must be capable of freedom. But we also know that suddenly to eliminate every means of public defence would be to fall into chaos and destruction; that

...social laws are better than...  
...of the past because of the people...  
...And, what is more, we do not  
...intend to eliminate public and private  
...justice, public legislation, etc., but to  
...improve them and put them on a  
...basis superior to the present. Nor do  
...we intend to deface from human spirits  
...the notion of rights and duties, but to  
...make their full application possible.

If you care for a full bibliography of  
our Credo, we submit to you the ar-  
ticle in the Encyclopedia Britannica by  
Peter Krapotkin; and if you wish to  
know the possibilities and extensions of  
our faith, we refer to the essays,  
"Politics" and "The State" by Ralph  
Waldo Emerson.

If we would stop here, hundreds  
would say to you, "These two men are  
here for an atrocious crime of violence."  
They do disbelieve in private property  
and believe in violence. They are try-  
ing to be magnificent and to take a  
Messianic attitude while silent as to  
the acts of violence and robberies com-  
mitted by some 'comrades' of their  
own."

**"Do Not Believe Them"**

But do not believe them. Men like  
that can say what they please without  
correction; for we are in prison, and  
this is our only chance to speak. We  
cannot deny that acts of violence have  
been committed by men calling them-  
selves anarchists, and sometimes by  
men who had a right to call themselves  
that. But they were impelled by perse-

cution and self-defence, or provoked by  
violence, oppression and intolerance on  
the part of persons in power. They  
were moved by sincere intentions,  
caused by their feeling of helplessness  
to right in any other way the injustice  
inflicted upon them, their friends and  
the people. In a word, it has been the  
violence of tyranny that has provoked  
the violence of the oppressed for self-  
defence.

We have no doubt that at the pres-  
ent time many will be found who  
secretly and behind closed doors will  
be willing to state as facts unverified  
rumors; to assure you that the evi-  
dence that might have been produced  
would have been conclusive against us;  
to furnish plausible explanations of the  
suppression and perversion of testi-  
mony and the other acts of unfairness  
to which we have called your atten-  
tion; to offer you selected documents;  
to urge upon you that the prestige  
of your courts is more important than  
our lives; to whisper calumnies of our-  
selves and of our friends; and, in gen-  
eral, to do whatever can be done with-  
out fear of detection to injure us. Yet  
we are not aware that either the prose-  
cuting officers or any of the persons  
who profess to desire our death solely  
in the interest of public justice have  
made any attempt to identify, an-  
nounce, or punish our three supposed  
associates in this crime. We know  
that they gave our counsel no help or  
sympathy in their effort to show who  
really did commit the crime.

To all such persons we say the time  
to produce your documents and your  
testimony, and to test your unverified  
rumors, was in open court, where they  
would have been subject to cross-ex-  
amination and the scrutiny of our  
counsel.

Your institutions are not...  
...claim cannot be made...  
...good if secret communications are  
...now permitted to take the place of  
public testimony. Nor can the pres-  
...of your courts long survive the  
loss of respect which will be the cer-  
tain result of unaddressed injustice.

**"Public Investigation"**

For these reasons, and because we  
realize how much time and labor will  
be required to deal adequately with the  
matters to which we have called your  
attention, we respectfully urge you, if  
you doubt our statements, to cause a  
preliminary public investigation of our  
case to be made by able and disin-  
terested men. The result cannot be  
convincing unless the investigation is  
public so that all may know what is  
said against us. But in saying this we  
would not have you believe that we are  
asking for mercy or for anything but  
justice, or that we would purchase our  
lives by the surrender of our principles  
or of our self-respect. Men condemned  
to die may be forgiven for plain speak-  
ing. We would not urge upon you any-  
thing that might seem disrespectful or  
incredible; but in the long run the vic-  
tims of public justice suffer less than  
the government that inflicts the penalty.

We can die but once, and the pang of  
death will be but momentary; but the  
facts which show injustice cannot be  
obliterated. They will not be forgotten,  
and through the long years to follow  
they will trouble the conscience of  
those whose intolerance has brought us  
to our death, and of generations of  
their descendants. A mistake of  
justice is a tragedy. Deliberate in-  
justice is an infamy.

Governor Alvan T. Fuller, we have  
been in prison seven years charged  
with a crime we did not commit, await-  
ing the fate that every day came  
nearer and nearer. Perhaps you can  
imagine what this has meant to us.  
And do you realize what this has  
meant to Sacco's wife and children, and  
to Vanzetti's father and mother and  
family at home in Italy? It is the  
thought not of our own approaching  
death, but of the suffering of those  
near and dear to us in the seven years  
that have passed, and of the greater  
suffering to come, that is the cause of  
our bitter grief. And yet we ask you  
not for mercy, but for justice. We will  
not impose their sufferings or our own  
upon you.

You cannot justly consider their suf-  
fering or ours as a ground for your  
official action, except that that suffer-  
ing may seem to you a reason for giv-  
ing the most careful and unprejudiced  
consideration to the two grounds of our  
prayer—that we are innocent and that  
our trial was unfair.

**BIAS OF JUDGE**

Clearly Against Defendants, Accord-  
ing to Unsigned Statement by  
Former City Treasurer Crocker—  
Tells of Conversation at University  
Club

With the affidavits which showed  
flagrant support of the petition for clem-  
ency, was a communication from Attor-  
ney Thompson setting forth informa-  
tion which George U. Crocker, former  
treasurer of the City of Boston, gave  
him relating to an alleged bias on the  
part of Judge Webster Thayer who pre-  
sided at the trial of the condemned  
men.

The unsigned statement by Mr.  
Crocker read as follows:

A statement of what my opinion has  
been for the past five or six years  
about the Sacco-Vanzetti case.

I have never known enough about the  
evidence which was presented to the  
jury to have any valuable opinion as to  
the guilt or innocence of the de-  
fendants, and I believe that it is  
neither wise nor proper for persons who  
have had no responsibility in the trial  
of causes to express their opinions  
either in favor or against the verdicts  
of juries, or for such persons to say  
that the law was, or was not, prop-  
erly interpreted. We have a judiciary  
system which should be supported, and  
setting up one's own opinion contrary  
to the court is folly. If the general  
public is to attempt to re-try causes,  
we shall only proceed towards chaos.

**"Judge Not Impartial"**

My firm belief, however, is that the  
defendants, Sacco and Vanzetti, did not  
have a trial under the conditions which  
our law and custom accords to them,  
namely, with a presiding judge who  
was impartial and free from bias.

I know that Judge Thayer was not  
an impartial judge in this case.

My knowledge is based not on Judge  
Thayer's conduct in the court room,  
but from my personal experience with  
him outside of the court room and  
during the trial of the case.

This experience was as follows:  
During the trial of the case, Judge  
Thayer lived at the University Club  
in Boston. At this time I did not  
know that I had ever met Judge  
Thayer.

**Did Not Know His Name**

He approached me one evening, how-  
ever, called me by name, and began  
to talk to me about the Sacco-Vanzetti  
case, and I soon was able to gather  
that he was the presiding judge, but  
even then I did not know his name.  
It was in the first conversation, I  
think, that he volunteered the informa-  
tion, among other things, that all the  
talk about these men being anarchists,  
etc., and that the government was  
prosecuting them for that reason, was  
utter nonsense, and further went on  
to tell me why he thought so. As I  
knew nothing about the case, and had  
not read the newspapers about it, and  
as the conversation made me uncom-  
fortable because of what seemed to me  
to be its manifest impropriety, I got  
away from him as soon as I could.  
One morning at breakfast I particu-  
larly remember because it seemed to

...that Judge Thayer at that time exhibited his prejudice and bias in the most notable manner.

On this morning he either came to the table where I was sitting, and asked if he could have breakfast with me, or he called me to his table and asked me to have breakfast with him. He immediately began to talk again about the case, and pulled out of his pocket a portion of the charge which he was to deliver, and understood it on that day. He read parts of it to me with comments like this: "Counsel for the defence said so and so yesterday, and this is my reply." He then read a part of the charge and said, "I think that that will hold him, d/n't you?"

### "Clearly Biased"

I do not remember how many times Judge Thayer talked to me about the case during the trial, but it was, I think, three or four times, and each time showing what appeared to me clearly to be bias against the defendants. I tried my best to avoid these conversations, and I told the head-waiter at the club to see to it that I was not put with him again at meals. The points which Judge Thayer talked to me about, and which I remember, were the failure of the defendants to establish an alibi, the fact that they were draft dodgers and anarchists and entitled to no consideration, although he said that the matter of their being anarchists, etc., was juggled in by the defendants and not by the government, and some evidence about their identification.

He talked to me at considerable length several times, but my memory is not vivid as to details, because I was much annoyed at what seemed to me to be the impropriety of the whole thing.

This statement is recited by me for preserving my memory of the facts. I do not wish it published or given any general publicity.

### Willing to Tell Governor

If I knew of any facts in the nature of new evidence I would feel it was my duty to come forward and volunteer to state them, but what I know about the case has only to do with the personal bias of Judge Thayer himself. For this reason, it does not seem to me that I should volunteer any public statement.

I am, however, willing, if at any time requested so to do by the Governor, the Attorney-General, or the district attorney, to state what I know to them, and preferably in the presence of Judge Thayer, for the reason that the matter affects him personally.

I would not go as far as this, except for the fact that the lives of two men are in question.

I have made statements to William G. Thompson confidentially which cover in substance what is included above.

## OFFER AFFIDAVITS

Three Are by Newspaper Representatives Who Attended Trial—  
Quote Alleged Biased Remarks

...in the same manner as were made by newspaper representatives who attended the trial. Frank F. White of the Boston Globe, John Nicholas Bessel of New York, representing the Federated Press, and Mrs. Elizabeth R. Bernkopf, who was representing the International News Service. All had conversations with Judge Thayer relating to certain matters connected with the trial. In each instance the judge's remarks have been set out as evidence of bias.

Mr. Sibley among other things quotes Judge Thayer as saying in reference to Attorney Moore, chief counsel for the defense, "I'll show them that no long haired anarchist from California can run this court." Mr. Sibley also claims Judge Thayer referred to counsel for the defense frequently as "Those damned fools."

Mr. Bessel quoted Judge Thayer as saying to the newspapermen who covered the trial, "You wait until I give my charge to the jury. I'll show 'em."

Mrs. Bernkopf did not undertake to quote Judge Thayer in her affidavit, but contented herself with repeating the substance of conversations she had with him while riding on the train to the trial daily. She stated, however, that he repeatedly referred to Attorney Moore, counsel for the defense, as "that long haired anarchist."

### Dramatic Editor Quotes Friend

Robert Benchley, dramatic editor of Life, the fourth person to make an affidavit, reports a conversation which a friend of his had with Judge Thayer, but which the friend was unwilling to make an affidavit on.

(The fifth person to make an affidavit is Mrs. Lola Rantoul, who attended the trial as a representative of the Greater Boston Federation of Churches. She had two conversations with Judge Thayer in his lobby at the courthouse during the trial and sets them out as evidence of bias. She also states something the judge told her he had heard about one of the witnesses outside the courtroom.)

Mr. Benchley, in his affidavit, said that his friend, Mr. Loring Coes of Worcester, repeated to him certain remarks that Judge Thayer made at the Worcester Golf Club about the Sacco-Vanzetti case. According to Mr. Benchley, Coes said Judge Thayer referred to Sacco and Vanzetti as "those bastards down there," also as Bolsheviks who were "trying to intimidate him." He likewise claimed Judge Thayer said he "would get them good and proper," that "a bunch of parlor radicals were trying to get those guys off and trying to bring pressure to bear on the bench," that he "would show them and would get those guys hanged" and that he "would also like to hang a few dozen of the radicals."

Mr. Benchley also quotes Judge Thayer as saying, "No Bolshevik could intimidate him" and that Worcester would be proud of having such a defender as Judge Thayer.

Mrs. Rantoul, in her affidavit, stated that Judge Thayer told her that Sacco's employer, Mr. Kelley, who was a witness, did not mean what he said because he (Judge Thayer) had heard that on the outside Kelley had said that Sacco was an anarchist and that he "couldn't do anything with him."

5-1

# An American Civil Liberties Union National Committeeman in Action

## False Statements of Felix Frankfurter of Harvard Law School in Sacco-Vanzetti Case

In the *Atlantic Monthly* for March, and with the endorsement of the editor of that journal, appeared an article on the Sacco and Vanzetti case which was from start to finish grossly misleading and evidently meant to assist Communists who were endeavoring to have their comrade-murderers escape the penalty of their crime. This was by Professor Felix Frankfurter of the Harvard Law School, which connection lent, in the minds of the public, a plausibility to what he wrote. Now Frankfurter is also one of the National Committee of the American Civil Liberties Union, which Union makes a specialty of supporting anarchists, Communists and other subversive criminals while endeavoring to undermine and overthrow our Government, Constitution and free institutions and play directly into the hands of the Russian Communists. Frankfurter was formerly counsel for the United States committee which on account of its action, was known as the Mooney Whitewashing Committee, which made a palliative report in the interest of the convicted wholesale murderer, Tom Mooney, and the graft game and agitation in the Sacco Vanzetti case bear throughout a strong resemblance to that in the Mooney case. Frankfurter also made an invention in the Bisbee case where members of the IWW were run out of town and his report, favorable to the criminals and adverse to the decent citizens, in that case was characterized by ex-President Roosevelt, in a letter to Frankfurter himself, as "as thoroughly misleading a document as could be written on the subject." Frankfurter is Ernst Freund, Frank P. Walsh, and David Wallerstein, who are also members of the American Civil Liberties Union National Committee, and with Roscoe Pound and Zechariah Chafee, Jr., who are like Frankfurter professors of law at Harvard, several members of the Committee of 48, and Jackson H. Ralston, counsel for much of the red element in union labor and at the time for Louis F. Post, were among the twelve men who published themselves as the National Popular Government League and made a series of charges against the Department of Justice which tended to blacken the characters of members of the Department in the interest of Communists and anarchists who had been arrested and deported. Post was then Assistant Secretary of Labor and William B. Wilson Secretary of Labor and the Department of Labor was, as Attorney General Palmer phrased it, seeking to nullify the laws of Congress by refusing to deport anarchists according to law. Post even went so far as to say that Magon, who confessed he was an anarchist and whose friends testified that he was an anarchist, was not an anarchist in order to avoid deporting him. A committee of Congress investigated these charges made by the National Popular Government League and found that they were the usual stock charges of the anarchists and Communists which these men were giving currency and which were largely wholly mendacious, while such small amount of criticism as might justly have been made occasionally of an enthusiastic subordinate was twisted and magnified so as to be totally misleading.

On the American Civil Liberties Union National Committee with Frankfurter we find that right hand man of the Russian Communists, William Z. Foster, an open and professed Communist and today the leading Communist in the United States. We find Norman Hapgood, who has just issued a book in which he inverts the meanings of words and endeavors to make out that all who oppose communism are enemies of labor and that the only real progressives are those who play the Communist game. We find Morris Hillquit, who was counsel for the Russian Communists. We find Frederic C. Howe, who was exposed in his relations with the anarchists by a Congressional committee of investigation. We find Scott Nearing, a former editor of the *Revolutionary Age* which undertook to put over the most extreme teachings of Lenin and encouraged boring-from-within in our Army and Navy in endeavoring to make our soldiers and sailors traitors to the country. We find Robert Morss Lovett of the University of Chicago who recently at Jane Addams' Hull House in Chicago, addressed an IWW meeting held there at which he undertook to justify the murder by the IWW of American Legion men at Centralia. We find Jane Addams, head of the Women's International League for Peace and Freedom and formerly, like Frank P. Walsh, Lynn J. Frazier, Amos Pinchot, Frederic C. Howe, Timothy Shea, William Lemke, Glenn E. Plumb, etc., a vice-president of the Public Ownership League of America. In the Executive Committee we find Duncan McDonald, the Communists' first choice for President in 1920. Edward A. Tamm, an open supporter of the Communists and others of the same stripe. Miss Addams is a great friend of Robert Morss Lovett, whom she got to address the summer meeting of the Women's International League.

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for Peace and Freedom some years ago. She was also one of the speakers advertised by the Communist organ, the *Daily Worker*, in the Communist "Hands Off China" meeting in Ashland Auditorium in Chicago on May 6th. Cuneo, several times Socialist candidate for Mayor, was another on the program of speakers, while another was ex-professor Carl Haessler, intimate friend of Robert Morss Lovett and managing editor of the Communist Federated Press. Haessler was the man whom Whitney exposed in "Reds in America" as having said that he would not support the Government of the United States, but would be glad to kill for the purpose of overthrowing it. He is one of those who were jailed as draft evaders. We also find on the program of speakers with Janè Addams the man who calls himself Manuel Gomez, an assumed name, who is secretary of the All-America Anti-Imperialist League, which is openly a Communist affair and openly bent on overthrowing the Government of the United States and making trouble between it and other governments. Congressman Sabath was another listed speaker and representatives of the Communist Party in China were others. Anarchist Berkman's friend, George P. West, is another of the National Committee of the American Civil Liberties Union. So is Arthur LeSueur, founder of the IWW. James A. Duncan, exposed as one of the leaders in the attempted insurrection in Seattle is another. Edmund C. Evans was and Edward W. Evans is a member. Elizabeth Gurley Flynn, IWW and Communist agitator, is another and we also find Norman Hapgood and Arthur Garfield Hays and James H. Maurer, who was exposed by Attorney General Palmer during war times for his disloyal utterances, his greetings to his Socialist and anarchist friends and his urging of revolution. There are many others of the same stripe.

It is not surprising, then, that Professor Frankfurter should misrepresent the Courts and the orderly process of justice in the interest of the professed Anarchist and Communist, Sacco and Vanzetti, but it is perhaps surprising that the *Atlantic Monthly* should commend what he has written.

**The Boston Evening Transcript** published on Monday, April 25th, an exposure of Frankfurter's gross misstatements. This is the paper that published in full the first edition of Whitney's "Reds in America" and is noted for other patriotic work of the kind. It is one of the all too few papers that give a considerable amount of space to real patriotic work.

The exposure was written by Dean John H. Wigmore, a noted authority on evidence, a graduate of Harvard and the Harvard Law School, who had been a practicing lawyer in Boston and a former president of the American Institute of Criminal Law and Criminology. He is now Dean of the Law School of Northwestern University.

Through the kindness of the *Transcript* I am enabled to print below Dean Wigmore's exposure of the false and inexcusable statements of the Frankfurter article, which he terms a gross libel against the Courts of Massachusetts and he shows why, as he terms it, this *Atlantic Monthly* article is "wholly devoid of credit as a basis for outside to form an opinion."

Frankfurter tries to convey the impression that the jury was hand-picked. In reality there was a panel of 675 jurors examined to get 12 for the trial and the counsel for the defense—for Sacco and Vanzetti—accepted all the jurors as satisfactory. When the last juror was chosen the defense counsel had exhausted his challenges and the counsel for the prosecution offered to challenge that juror if the defense wished, using one of the prosecution's challenges for the purpose. Nothing could have been fairer.

Frankfurter says that the Supreme Judicial Court cannot pass on the facts of the case in the lower Court, but it is shown that the Supreme Judicial Court not only can pass on the facts under a statute of the State giving that authority and also under the common law, but that it did pass on the facts.

Other misrepresentations of Frankfurter are exposed.

Frankfurter conveys the impression that Sacco and Vanzetti were prosecuted as reds, which is the direct opposite of the truth. The whole prosecution had put in all its side of the case and the defense was well along in putting its side of the case when counsel for Sacco and Vanzetti brought out the fact that they were Communists as a reason why they went into hiding after the murder was committed. They said they were afraid of being deported as reason as an excuse for such hiding, but it was shown that Sacco had in his possession at that time a passport he had gotten for the purpose of taking his family abroad a few days after he was arrested, so that he was not afraid of being deported at all. This fact Frankfurter carefully conceals. The trial was one for murder and banditry and had nothing whatever to do with redness of any sort until the subject was introduced by Sacco and Vanzetti's own counsel.

As for the fairness of the case, Sacco and Vanzetti had a thoroughly fair trial and at the close of the evidence their counsel made not a single request for instructions to the Judge and at the conclusion of the Judge's charge they took not a single exception to the charge, which was the direct opposite of the impression Frankfurter conveys. On the contrary counsel for Sacco and Vanzetti commended the counsel for the prosecution, Mr. Katzmman, and said their clients had had every patience and every consideration shown them and commended the laws of Massachusetts.

As for the international aspect of the trial which Frankfurter dwells on, that was all created afterwards, largely

through a series of outrages at United States Consulates abroad, etc., and agitation gotten up by the Communists in an endeavor to bring pressure upon the authorities and incidentally to collect plenty of graft as in the Mooney case for these agitators thrive on graft and Sacco and Vanzetti in jail are a far better asset to the agitators than would be either executed or released, precisely as the grafting agitators in the Mooney case find Mooney a better in jail than out of it.

It is estimated that the lying agitators in the Sacco and Vanzetti case, like the lying agitators in the Mooney case, have collected several million dollars in graft, far the greater part of which has gone into the pockets of the agitators.

The following is Dean Wigmore's article as it appeared in *The Boston Evening Transcript* of April 25, 1927

**T**O vindicate Massachusetts Justice, I crave the opportunity of your pages to address the lawyers of the Commonwealth. I was first admitted to the bar in Suffolk County, Massachusetts; I learned to know and respect the temper and the standards of justice in that State; sentiment and duty urge me to offer a few words in refutation of a gross libel that is now being circulated against the honor of its courts because of the verdicts and decisions in the Sacco-Vanzetti murder case.

That case concerned the cold-blooded robbery and murder of a paymaster and his guard at a shoe factory in Braintree on April 15, 1920; the verdict of guilty was brought in on July 14, 1921; and the intervening time has been occupied by two motions for a new trial and by proceedings in review, leading to two decisions of the Supreme Judicial Court—the last one on April 5, 1927.

In the meantime, an agitation against the fairness of the trial and the justice of the verdict was started among various alien Communist circles; and this was extended to the general public by the publication in the March, 1927, *Atlantic Monthly* of a fourteen-page exposition of the case by a prominent pundit in a leading law school (followed by a longer pamphlet publication, from the same press, advertised at \$1). This *Atlantic Monthly* article, being an attempt to arouse the public sentiment of the entire Nation to the disparagement of the Massachusetts courts, has had noticeable success in press comments. Its dangerous plausibility naturally calls for some exposure of its errors.

#### Neither Fair Nor Accurate

Your space does not permit a detailed analysis of the Sacco-Vanzetti evidence; but I hope that it does permit a statement of the reasons why this article in the *Atlantic Monthly* is wholly devoid of credit as a basis for outsiders to form an opinion, and why the decisions of the State Supreme Court should be accepted with confidence as decisive of the justice of the case.

The plausible pundit of the leading law school begins by calling the case "one of international concern," and by stating that the article aims "to give in the briefest compass an accurate resume of the facts of the case." It ends by alleging that "the reader has now had placed before him fairly, however briefly, the means of forming a judgment"; and the editor adds this testimonial, that the article is a "complete and accurate resume of the facts of the case," "compressed accurately and fairly by a trained and responsible lawyer."

I propose to show you that the article is neither fair nor accurate nor complete, both in vital details of the trial and in the "international concern" of the trial, and that the decision of the Supreme Judicial Court amply refutes its basic charges.

#### A. THE TRIAL ITSELF

Take first the trial itself. The gist of the article is, by assertion and insinuation, that the trial judge and the prosecuting attorney "connived" throughout to employ unfair methods; and in particular that they evaded the weakness of the evidence of the accused's homicide-guilt and exploited the accused's character as Red radicals; thus turning the trial into a persecution of Reds instead of a trial for homicide, and cajoling a packed jury of local patriots into a false verdict.

Now let us see how the plausible pundit goes about it to prove his case to the public.

1.—He begins at the impaneling of the jury. We are told (p. 410) that "part of the jury was specially selected by the sheriff's deputies from Masonic gatherings and from persons whom the deputies deemed 'representative citizens,' 'substantial,' and 'intelligent.'" We are told again that the jury was "picked for its respectability." And the reader would thus never know that in fact a panel of about 675 jurors was examined, and by the trial judge himself, before the twelve were found! Nor that counsel for defence accepted all of them as satisfactory! Nor that, so fair was the prosecuting attorney, when the twelfth juror was finally found provisionally by the Court, the defence having by then exhausted its challenges, the prosecuting attorney offered to use one of his remaining challenges if counsel for defence was not satisfied with that juror, and that counsel for defence accepted him without availing himself of the offer!

#### No "Picked Jury"

So that the insinuation of a "picked" jury was baseless, and worthy only of unscrupulous yellow journalism. And the public can rest well satisfied with the pronouncement of the Supreme Court (suppressed by the plausible pundit), in its opinion denying the motion for a new trial on this ground (151 *Northeastern Reporter* 839) that "no fraud or partiality in favor of the Commonwealth or material injury to the defendants is shown."

2.—Again, at the end of the trial, attacking the trial judge's opinion on denial of the second motion for a new trial (Oct. 23, 1926) the plausible pundit refers to it as "a farrago of misquotations, misrepresentations, suppressions and mutilations," and gives alleged illustrations of them.

#### More Misrepresentation

The "misrepresentation," etc., of the trial judge is this: "Wm. G. Thayer (counsel for defense after the trial) one of the leaders of the Boston bar yet Judge Thayer thus characterized Thompson's activities in behalf of two Italians: 'Since the trial before the jury of these cases a new type of case would seem to have developed which might be called "lego-psychic neurosis," hysteria, which means, "a belief in the existence of something which in fact in truth has no such existence."'" The judge did not apply those words to the leading counsel's "activities on behalf of these two Italians." He applied them to a single part of the counsel's argument in the 1926 motion for new trial, viz., part alleging a conspiracy between Sargent, Attorney General of the United States, and the local authorities to convict these accused because they were radicals and not because they committed the crimes. And how baseless was this suggestion, how "hysterical," may be gathered from the Supreme Judicial Court which in its 1927 opinion says, on this point: "The trial judge would be compelled to find no substantial evidence appeared to the Department of Justice . . . had it aspired to secure their conviction by any such means." So that the ridiculous insinuation of a "conspiracy" at Washington was only thing referred to as "hysterical," not the learned counsel's "activities in behalf of the accused." This was a misrepresentation.

Well, these are three important misrepresentations in the plausible pundit's "accurate resume" as to the trial in general.

Now, let us look briefly at the evidence that is "fairly placed before the reader."

3.—An important part of the prosecution's case was the copious lies (admittedly told by the accused on their arrest) about their weapons and their whereabouts. Those lies, betraying their consciousness of guilt, were explained by the accused as due to their supposition that they were being arrested preliminary to deportation as alien Reds, and to their hope of being deported to Italy. Several circumstances discounted the truth of this explanation: but the main and convincing one, as against Sacco's explanation that he had obtained and carried a passport at the very moment of arrest, May 5, 1920, a passport upon which his family intended to sail for Italy days later. The defendant's cross-examination shows the bearing of this fact: "Mr. Sacco, you say you feared deportation, and that is why you told all the lies and why you did what you did?" A.—"Yes." Q.—"Mr. Sacco, at the time when you were telling these lies"



had already secured a passport for Italy, on which you, your wife and two children were to sail two days after the night of your arrest!" Answer—"Yes." Now the possession of this passport was the strongest fact to show the falsity of Sacco's explanation. But in the plausible pundit's "fair resume" of the evidence, the fact of its possession is not mentioned. "Suppression vari." etc. How could an honest resume fail to mention that fact? It undermined the main case of the defendant Sacco.

#### What Kind of Judgment

4.—Again: There were only two physical objects connecting the accused with the exact spot of the homicide—the revolvers and a cap. The murderer going off in the car was headed and a cap was picked up near the body of one of the murdered men. The victim's wife testified that it was not his, but Sacco's employer testified that it was similar to one worn by Sacco and only hung near the machine where he was shot, and this cap was placed upon the head when testifying and appeared

But, in the plausible pundit's "fair resume," not a word about this cap! He offers "the means of forming a judgment"—but, what kind of a judgment?

5.—Coming to the article's main reiterated theme, the exploitation of the defendants' Red views and character, the plausible pundit, after carefully evading to mention the fact that it was on the accused's direct examination that the first mention was made of these things (so as to support their explanation of the reason for their lies), proceeds to accuse the judge and the prosecuting attorney of making the trial "a riot of political passion and patriotic sentiment"; thus: "Up to the time that Sacco and Vanzetti testified to their radical activities, their pacifism, their flight to Mexico to avoid the draft, the trial was a trial for murder and banditry; with the cross-examination of Sacco and Vanzetti patriotism and radicalism became the dominant issues. Outside the court room the Red hysteria was rampant; it was allowed to dominate within. The prosecution systematically played on the feelings of the jury"; and the trial judge "connived at—one had almost written, collaborated in—the process." There was a "deliberate effort to excite the emotions of jurors"; "the real purpose" was "to inflame the jury's passions."

Now all this palaver seeking to make the reader believe that the judge and the prosecutor thrust the defendant's Redism into the case, and then illegally and unfairly exploited it—all this palaver is a consummate misrepresentation. The facts were that not a word was offered on the subject in the case in chief; that defendants' counsel themselves insisted on bringing in those facts in defense as the only hope of overcoming the effect of the case in chief; that the judge and the prosecuting attorney urged upon defendants' counsel caution in making the decision to do that; and that the prosecutor's cross-examination did not deal with a single fact of such character which had not already been voluntarily told by the accused on their direct examination.

#### Cruel Libel

These facts are so demonstrative of the cruel and libellous falsity of the whole tenor of the plausible pundit's article that

a moment may be spent in verifying the judge's statement in denying the second motion for a new trial (Oct. 24, 1926) recites them: "The Government closed its case without there having been the slightest reference made to Radicalism. Counsel for the defendants made his opening statement, and in that statement there was not a word mentioned about radicalism. The first time it was suggested that it was to be introduced was when Vanzetti was on the witness stand (being the eighty-fifth witness). And after several hours of direct examination, and shortly before adjournment one afternoon, counsel for the defendants stated to the Court that all of the counsel were agreed that it was necessary to go into the subject of radicalism in order to meet the Commonwealth's claim of consciousness of guilt. The Court suggested that it might be well for them to bring in a brother of one of the counsel, who was one of the leading lawyers of the State, for a conference. Counsel adopted and seemed grateful for this suggestion. The next morning counsel informed the Court that the conference was had, and all counsel, together with the brother and another distinguished lawyer, had decided that it was fatal if the evidence of radicalism was not introduced." And in argument later upon this same motion, counsel for defendant said to the court: "Radicalism is forced in by logical necessity to explain the conduct which the Government proved. . . . They (the defendants) had to give a reason why they did those things. If they had said nothing, they would have been convicted out of hand."

It was fatal to the accused, on the homicide evidence, if they had not themselves voluntarily disclosed their Redism; and so they voluntarily did so, after full consideration by their counsel.

#### Unworthy of Credit

So what becomes of the plausible pundit's assertions that the prosecutor made a "deliberate attempt to excite the emotions of jurors" by the Red testimony, and of his insinuations that the judge illegally "connived" at making radicalism the dominant issue? Those assertions are a gross libel and a cruel falsity. And they stamp the whole article as unworthy of credit; for they are the main basis of its complaint.

6.—The plausible pundit, however, was faced with the damaging fact that the Supreme Judicial Court, on May 12, 1926, had already handed down a decision (151 Northeastern Reporter 839; 20 pages long), reviewing the whole record, and affirming the trial judge's order denying a new trial. The plausible pundit meets that decision by this evasive comment: "The guilt or innocence of the defendants was not tried in the Supreme Court. That court could not inquire whether the facts as set forth in the printed record justified the verdict. Such would have been the scope of judicial review had the case come before the New York Court of Appeals. . . . In Massachusetts, what is reviewed is in effect the conduct of the trial judge; only so-called questions of law are open."

This discounting of the Supreme Court's opinion might well impress the lay public to whom it was addressed. But the lawyer examining the record would discover the complete falsity of its insinuations.

#### Lawyer Thinks

(a) In the first place, the gist of the plausible pundit's article is that the trial was made "a riot of political passion" by the district attorney's cross-examination of the accused, "connived at" by the judge. Now on this main point the Supreme Court did explicitly and directly negative that charge. They say: "The argument is pressed that the purpose of the district attorney's questions . . . was to excite and intensify prejudice against him. But we must follow the record, and a careful reading of it does not sustain this contention."

(b) In the second place, the plausible pundit, in stating that "the guilt or innocence of the accused was not re-tried in the Supreme Court" (in contrast with the alleged New York method), is cleverly shifting the issue that he himself started. He does not claim to know that the accused are innocent of murder; he does not assume that the outside public knows it; and his article does not proceed on that impossible assumption. It charges that the accused did not have a fair trial of their guilt or innocence, and that is the gist of all its charges. But the Supreme Judicial Court of Massachusetts, having listened to all the possible grounds urged by counsel for such a contention, has held that the accused did have a fair trial. So the decision, after all, is a flat and square repudiation of the plausible pundit's main contention. His article is in effect an appeal from the Supreme Court.

(c) And, thirdly, the Supreme Judicial Court did pass upon the issue of guilt or innocence to the extent that ought to satisfy any citizen that has respect for trial by jury. For among the grounds alleged in the motion for a new trial was this: That the trial judge erred in not directing a verdict of not guilty for lack of sufficient evidence of guilt to go to the jury. And the Supreme Court held that the trial judge committed no error in denying that motion. In other words, there was sufficient evidence to go to the jury. Here are the exact words of the opinion (151 N. E. 839, at 846): "The defendants severally moved for a verdict of not guilty on all the evidence, and the motions having been denied they severally excepted. It is contended on behalf of Vanzetti that his being in the (murderers') car at all could be found to be merely probable and that his presence therein was not proved beyond a reasonable doubt. . . . (That the evidence is succinctly rehearsed.) The motion was denied rightly."

#### Misleading the Lay Public

It is at this point that the plausible pundit's misrepresentations are most plausible and most misleading to the lay public. He affirms that the Massachusetts Court, on a review, in contrast to the New York Court, does not pass upon "whether the facts as set forth in the printed record justified the verdict," but only upon "so-called questions of law." Now (no matter what the New York Court does) the point is that by well-known technical phraseology the "so-called questions of law" do include an issue of fact, and that the Massachusetts Court does pass upon the sufficiency of the facts to justify the jury's verdict, in reviewing a case like the present.

The above quotation from 1926 opinion shows that they here did do so. But to demonstrate that this is their long settled practice, and to show clearly the extent of this misrepresentation of the plausible pundit, let us look at the words of the statute: Massachusetts General Laws 1921, c.250, §9: "A judgment in a criminal case may be re-examined and reversed or affirmed upon a writ of error for any error in law or in fact." And now let us peruse the recent exposition of the Court's practice in *Commonwealth v. Das-calakis*, 246 Massachusetts 12, at p. 22 (1923): "In the early and leading case of *Com. v. Green*, 17 Mass. 515, it was decided that power existed in this Court (i. e. Supreme Judicial Court) at common law and without an enabling statute, to grant a motion for a new trial in a capital case, in order that 'a prisoner should be indulged with another opportunity to save his life, if anything had occurred upon the trial which renders doubtful the justice or the legality of his conviction'. . . . That was the same as saying that verdicts would be set aside and new trials granted if 'it appears to the court that justice has not been done'. . . . It is difficult to conceive of any ground for a new trial not comprehended within the sweep of the decision in *Com. v. Green*, or the phrase of the statute." And now see how this principle was applied in a recent criminal case: *Com. v. Vanderbecke*, 248 Mass. 403 (1924): "At the close of the evidence the defendant requested the trial judge to rule that the evidence did not warrant a verdict of guilty of murder in the first degree. . . . (Then after reviewing the evidence) it is plain that her testimony and the other evidence presented by the Commonwealth, if believed by the jury, were sufficient to warrant a finding that the defendant was guilty of murder in the first degree. As there was evidence, if believed, amply sufficient to justify the finding, it could not rightly have been ruled in accordance with the defendant's request, that the evidence did not warrant a verdict of murder in the first degree. The exception to the refusal of this request cannot be sustained."

#### Did Inquire Into Facts

So the decision of the Supreme Court in April, 1926, signified that in the court's opinion there was sufficient evidence to

justify the verdict of guilty of murder; the plausible pundit's statement that "the Court could not inquire whether the facts justified the verdict" is false; and any citizen who has confidence in a unanimous decision of the Massachusetts Supreme Judicial Court may rest satisfied with that verdict on the facts.

(d) And, finally, what lawyer of experience, in any State, does not know that a Supreme Court, if it really has any doubts of the justice, on the facts, of a verdict of guilty in a capital case, is astute to lay hold of some point of pure law as a ground for ordering a new trial? It is done every year or oftener, in almost any State. The books are full of such cases. The lay public can be misled; but no lawyer would believe that the Supreme Court of Massachusetts, regardless of the technical ground of their decision, would have failed to direct a new trial, had they seen any reason to distrust the correctness of the verdict on the facts.

And in their second decision (*New York Times* of April 6, 1927), on the trial judge's rejection of the newly discovered "confession" of the crook Madeiros, as a ground for a new trial, the Supreme Court go even further, in language which shows their attitude on the whole evidence: "An impartial, intelligent and honest judge would be justified in finding that the confession (attributing the murder to the Morelli gang) gains no persuasive force from the credibility of Madeiros; that the facts relied upon by the defendants in confirmation, if true, . . . fall far short of furnishing adequate proofs of their (Morelli's) guilt or of establishing reasonable doubt of the guilt of the defendants. . . . A new trial is not necessary to prevent a failure of justice."

#### At the Time of the Trial

It is difficult to see how the Supreme Court, under the law, could more plainly indicate their opinion on the facts.

7.—As one further item, suggesting the inference that this attempt to charge upon Massachusetts courts a miscarriage of justice is somebody's afterthought, inspired by extrinsic and sinister influences, note this: that the accused's counsel who actually conducted the trial appear to have been entirely satisfied with the impartial-

ity of the judge, the behavior of the prosecuting attorney, and the general course of the trial. At the close of the evidence, not a single request for instruction was handed to the judge; and at the close of the charge to the jury, not a single exception was taken to the charge. The plausible pundit abuses *ex post facto*. And in the address to the jury, one of the counsel said: "Mr. Katzmann (the prosecuting attorney) has been, as he always has been, a perfect gentleman. . . . I want to say, on behalf of these men, that they have had every opportunity to have had every patience and every consideration. I want them to know that we have done, that everything we could do, as Massachusetts takes in granting to any man, heretofore, the fullest rights to our Massachusetts laws."

Now, how does this plausible pundit come to inject himself into the trial, invoking the Nation's censure of Massachusetts justice, when the court itself had voluntarily passed to the fairness of Massachusetts justice?

The truth seems to be that this agitation, *ex post facto* the trial, roots in a sinister fact, suppressed plausible pundit, and to this fact come.

#### B. THE INTERNATIONAL ASPECT

The plausible pundit begins by attacking to this case an "international concern," because it has "aroused interest beyond the boundaries of Massachusetts and even of the United States." Indeed. But he fails to tell us the interest it has aroused such an interest. A "suppression veri"; for the reason sinister one.

That reason is that the two men appear to be valued members of a full international fraternity or a gang who have, since the trial and conviction, sought to give aid to the victim associates by the most effective system of international terrorism the world has known for a century. Ever since the trial in 1921, this task has been carried on. If it had succeeded justice in the United States would be its mercy.

Dean Wigmore then goes on to cite a number of Communist outrages, bombings, etc., on behalf of Sacco and Vanzetti in Paris, Boston, Geneva, Fall River, New York, Buenos Aires, Washington, etc.:

#### Subjected to Terrorism

Now, is not this an intolerable state of things, that American justice should be subjected to the dictates of international terrorists? Where has the like ever been known in modern history? The thugs of India, the Camorra of Naples, the Black Hand of Sicily, the anarchists of czarism—when did their attempts to impose their will by violence ever equal, in range of operations and vicious directness, the organized efficiency of this cabal to which Sacco and Vanzetti belong? And this insensate resort to violence is invoked in a case which has been misrepresented, by the cabal, all over the world, as a case of persecution for radicalism. The dangerous thing to American justice is that the local

representatives, by pressing a button, can set this international force in motion to secure immunity for any one of its members who is charged with any serious crime.

#### Judges in Jeopardy

But what shall we say of the plausible pundit who knowingly enlists himself in their support and appeals to the public at large to excite popular sympathy in favor of members of this international terrorist gang? Why should he beg the sympathy of the public for them personally? If public sympathy is to figure, why not invoke it for the heroic judge who, through the accident of this trial, has had to do every day's duty for six years past in danger of his life? Does not every honor-

able lawyer sicken at the realization that the judges of this country can be jeopardized for any judgment that touches a member of a terrorist fraternity?

And, finally, why should he, in popular article, make errors and misstatements which if discovered in a brief counsel filed in the case would qualify for proceedings for disbarment?

My object is attained if I have called to fellow-members of the bar that they need not give any credit to this on Massachusetts justice; and that the unanimous decisions of the Massachusetts Supreme Judicial Court should give confidence in the fairness of the trial and the justice of the verdict.

Frankfurter's chief value as an asset to the agitators is the fact that he is a professor of law at Harvard College which misleads the Public into believing that what he writes is reliable.

Roger Baldwin, director of the American Civil Liberties Union, testified before the Lusk Committee as to its purposes and principles. He said in part:

"Language unaccompanied by an act, even if the logical consequences of it lead others to the commission of the act, is legitimately within our conception of free speech. For instance, the advocacy of murder, unaccompanied by any act, is within the legitimate scope of free speech. . . . I would say on behalf of the entire committee that all of them disbelieve the legal theory of constructive intent, and that all of them believe in the right of persons to advocate 'the overthrow of government by force and violence.'"

In a letter from Baldwin to the German agent Lochner, who was also one of the originators of the communistic "Federated Press", Baldwin said, "We want to, also, look like patriots in everything we do. We want to get a lot of good flags, talk a good deal about the Constitution and what our forefathers wanted to make of this country and to show that we are the fellows that really stand for the spirit of our institutions."

A circular of the ACLU states: "Laws purporting to prevent the advocacy of the 'overthrow of the government by force or violence' are all violations of the right of free speech."

The Report comments: "If we analyze the position taken by the American Civil Liberties Union we will find that what is sought is not freedom of speech, freedom of press or freedom of assemblage, but license. In other words, there is no crime in the advocacy of crime, provided the advice of the agitator is not carried into effect." . . . "An examination, however, of the propaganda and agitation which has been carried on in favor of the forceful overthrow of this government shows that it does not consist of a mere expression of opinion, but invariably advocates measures for its effectuation." . . . "The effect of the activities of the American Civil Liberties Union is to create in the minds of the ill-informed people the impression that it is un-American to interfere with the activities of those who seek to destroy American institutions." . . . "It is interesting to note that the anxiety of the American Civil Liberties Union is shown only where the abuse of free speech is called in question because of attacks upon property or government." . . . "The American Civil Liberties Union, in the last analysis, is a supporter of all subversive movements, and its propaganda is detrimental to the interests of the State."

At Hearing Number 69. 1. 11 of the House Committee on Immigration, Allen S. Olmstead appeared as a representative of the American Civil Liberties Union.

The Chairman asked him, "You think that an alien has a perfect right to come here and get into a labor strike and preach communism all he wants to, and advocate the overthrow of Government?" Mr. Olmstead, "Yes."

Mr. Holaday of the Committee, "Did I understand you to say that an alien has a right to preach the overthrow of Government, and anarchy?" Mr. Olmstead, "Yes."

Among the latest things pleasing to the Communists, gotten up by the ACLU crowd, is the National Citizens Committee on Relations with Latin America.

It should not be lost sight of that mendacity is the chief asset of the Communists, and the American Civil Liberties Union plays the Communist game.

FRANCIS RALSTON WELSH

May 14, 1927.

EN: D68  
61-126-746

RECORDED

MAY 18 1927

May 27, 1927.

MEMORANDUM FOR MR. LORING.

I am transmitting, attached hereto,  
copy of a communication received from the  
Bureau's Chicago Office, dated May 12, 1927,  
together with copies of newspaper clippings  
relative to the SACCO-VAZZETTI CASE.

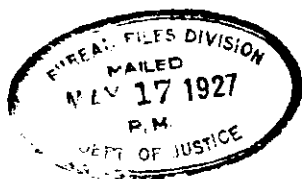
Very truly yours,

Director.

Inc. 61203.

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HEREIN IS UNCLASSIFIED

DATE 6/30/82 BY 8885J/mh



Department of Justice

Bureau of Investigation

Box 239, Boston, Mass.

May 12, 1927.

Director,  
Bureau of Investigation,  
Department of Justice,  
Washington, D. C.

Dear Sir:

Re: SACCO & VANZETTI MATTER

In relation to the above matter permit me to say that there has been a temporary surcease in the publicity given to the above entitled matter in the local papers but I presume it will increase in the near future as recent items indicate that Alvan T. Fuller, Governor of Massachusetts, is soon to make his decision in reference to the appointment of a commission to investigate into the trial of the above named persons.

However, I am attaching hereto an item taken from the Boston, Mass. Post, issue of May 9, 1927, concerning a plea filed with the Governor of this state by twenty-nine law professors and an editorial taken from the Springfield, Mass. Union, issue of May 11, 1927, entitled "The Arbiter of the Facts". The Springfield, Mass. Union seems to be the newspaper in this jurisdiction which is devoting daily editorials to the subject matter and is uniformly to be found on the adverse side of the question.

I find that these editorials furnish very good material in answering the various contentions had by sympathizers of the above named individuals and am submitting them to you for such information and value as they contain.

Very truly yours,

*John A. Dowd*

JOHN A. DOWD  
Special Agent in Charge.

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DATE 6/30/84 BY SP-2/ma

JAD:MFD

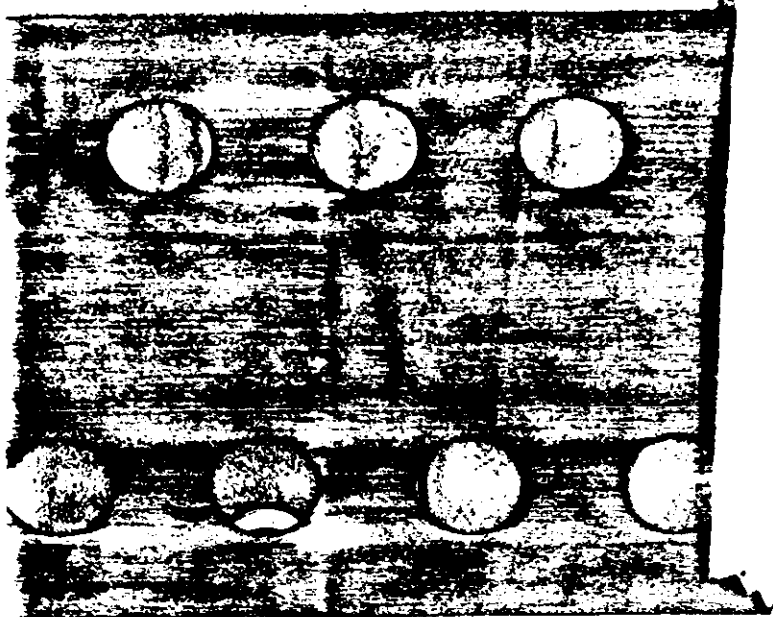
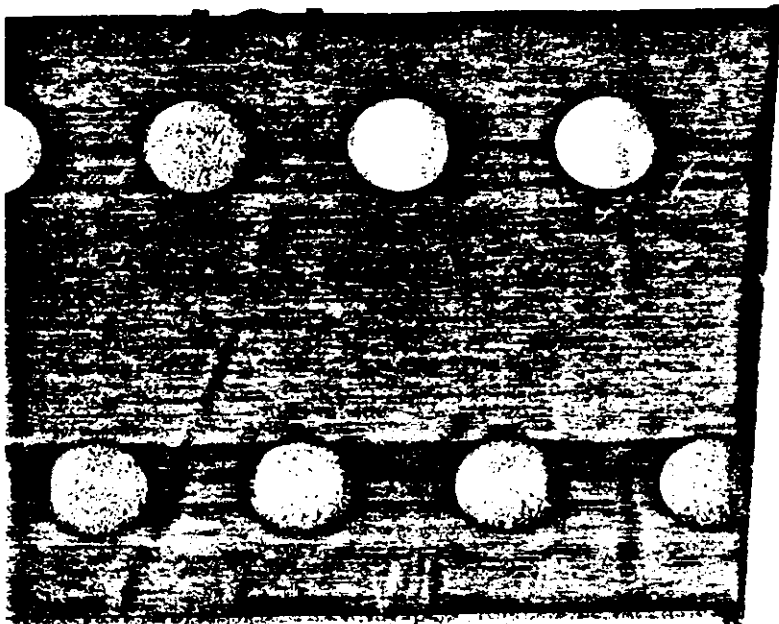
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Two detectives from police headquarters are happy, for they are quite sure the marriage will take place today.

# 29 Law Professors File Sacco and Vanzetti Plea

*Boston Mass Post 5-9-27*  
Representatives of Columbia, Yale and University of Kansas Faculties Join in Appeal to Gov. Fuller to Take Action

NEW YORK, May 9 (AP)—Twenty-nine law professors, representing the faculties of Columbia, Yale and the University of Kansas, have jointly written Gov. Fuller, of Massachusetts, asking that he take some action in the Sacco-Vanzetti case, it was announced today at the school of law of Columbia University.

## OTHERS IN SYMPATHY

In addition to the professors who signed the letter, 32 others, members of the law faculties of Minnesota, Missouri, Oklahoma, Indiana, Iowa, Ohio and Texas, have voiced their approval of its purpose. "The interest and concern aroused by that case," the letter read, "have extended beyond the bounds of a single commonwealth. We are affected by that interest not only as citizens, but as teachers of the law."

The letter declared that it was unfortunate that a belief should exist that there "may have been confusion of two issues—that of the defendants' guilt of murder and that of their radicalism," and added that "only a review of the whole case by an impartial body can dispel the belief, if it proves unfounded."

The professors pointed out that the supreme judicial court of Massachusetts had been called upon to rule only on whether errors of law were committed by the lower court, and not upon the facts of the case, and suggested that such a review be made.

## ANOTHER BISHOP URGES REVIEW OF CASE

Resolutions asking clemency for Sacco and Vanzetti passed by various organizations over the weekend were received today at the State House along with 26 telegrams and some letters. All but telegram urged clemency.

Bishop William A. Querry of Charleston, S. C., writing on the stationery of the diocesan house of South Carolina urged the appointment of a commission and the reopening of the whole case. The letter follows:

"I wish to join with Bishop Lawrence of Massachusetts and others in asking you to reopen the case of Sacco and Vanzetti. I am not in a position, of course, to pass judgment on the merits of the case, but in view of the fact that so many of our leading jurists and newspapers in the country believe that the men are innocent, I feel very strongly

that if there is any new evidence to be found it ought to be weighed by you and by a special commission that you might call to your assistance.

"There was so much hysteria after the great war that I do not feel that the men who were tried for their lives during that period should be executed for that reason. Even radicals have their rights and are entitled to a fair trial."

A telegram from E. C. Garrett of Atlantic City read: "Don't save lives of Sacco and Vanzetti, first degree murderers and radical traitors."

The Michael J. Perkins Legion post of South Boston wrote expressing complete confidence in Gov. Fuller's ability to handle the matter.

## FROM COLLEGE HEAD

Lynn H. Harris, Ph. D., president of Beaver College for Women, Jenkintown, Pa., writes:

"I am writing to join my request to that of others for an executive review of the Sacco-Vanzetti case. As a regular Republican in a rock-ribbed Republican state, I can scarcely be accused of any radical sympathies. Indeed, I can well see how the public interest might be served by the establishment of the guilt of these two persons. However, one of the most active causes fomenting radicalism is the notion, in the minds of the radicals, is that there is a sort of conspiracy of society against them and that radicalism alone, per se, is sufficient to justify any measures, no matter how unfair, against the radical."

"There seems to be, in the minds of many lawyers of great legal acumen, something in the conviction of these two persons that would lend color to such a charge. If, however, a judicial review, of the sort being urged upon you, should definitely establish the guilt of the prisoners, it would go far toward silencing such criticisms, which are so often baseless and nonsensical."

J. C. Custer, teacher of industrial mathematics, of Bridgeport, Ct., urges a new trial for the two men.

The Rev. E. Tallmadge Root of Somerville wrote:

"I venture to address you a second time on the case of Sacco and Vanzetti for three reasons.

"First, I wish to assure you that we are praying daily for you, in these trying days when all the nation and the world is watching you.

"Second, I wish to correct an impression which use in the newspapers of my former letter had given. That letter was signed by Mrs. Root and myself. Her name was not reported, and as I was mentioned as the executive secretary of the Massachusetts Federation of Churches, the word 'we' seemed to imply that I spoke for that organization. The Federation of Churches, of course, has taken no action.

"While this is true also of the Greater Boston Federation, you will notice that one of the affidavits filed with the formal petition for executive action is from Mrs. Rantoul, 'observer' appointed by the Boston Federation of Churches. Two observers were sent at the suggestion of Dr. Doremus Scudder, then its executive secretary. Their report at the time was simply allowed to carry whatever weight its statements justified."

"I venture, however, to call your excellency's attention to the significant fact that this very appointment of 'observers' proves that even before the trial began there was fear in the minds of thoughtful men like Dr. Scudder that the state of public opinion toward radicals would prevent a fair trial. Has not the conviction that this fear was justified steadily spread and deepened in these seven years?"

**COURT LAUGHS AT CHAD**



THE GRAYBAR TAG  
Symbol of  
Distribution

Europe to America would ask himself whether he also is willing to have his Government cancel its debt to him.

Of the multitudinous petitions with which Governor Fuller has been bludgeoned relative to the Sacco-Vanzetti case perhaps the most tolerant in spirit and rational in statement is that sent in with the signatures of 61 members of law faculties of a dozen universities from Connecticut to Texas. Unlike most of the petitioners these men at least are wise enough to say that they "do not know that any mistake has occurred" in the case. In that respect they are a refreshing exception. They state that they are moved to speak for themselves as individuals, not from knowledge but by reason of the fact that there is "such widespread doubt, whether well founded or not," and they therefore petition for a commission "to make clear the facts."

The inference from this may be that the facts have not been passed upon at all under our judicial system, whereas they have been passed upon by the only body upon which is properly placed the sole duty and the responsibility of determining them. It is not easy to perceive how these law professors, versed it may be supposed in the general principles of the judicial system of this country and as might be supposed in the particular features of the judicial system of Massachusetts, can assume that any body of men but the jury in the case can be held responsible for determining the facts and thereby answering the question of whether the accused are innocent or guilty.

*Under our system, as under others, the general principle is that a jury of twelve men, carefully selected for the purpose of securing open minds and an impartial consideration of and verdict upon the evidence, is the final arbiter of the facts in the case. The trial judge always instructs the jury that it is not only the arbiter of the facts but the sole judge of the weight of whatever evidence may be submitted.*

The two main qualifications upon the jury-men as judges of the facts are that they must consider the accused innocent until they are proved to be guilty beyond a reasonable doubt by each one of them. These twelve men who see the witnesses and hear all the evidence must unanimously agree upon a verdict which is to convict the accused of the crime charged. No member of this jury is privileged under the oath administered to him to have a reasonable doubt of the guilt of the accused if he agrees to a verdict of guilty.

The accused, even if actually guilty, has a great advantage in any trial under our judicial system and it is a fair presumption that a unanimous verdict of guilty found by twelve men beyond a reasonable doubt after having all the evidence before their eyes or in their hearing is as sound and impartial a judgment of the facts in the case as could possibly be had.

The whole responsibility is placed upon this jury. In this State a trial judge is not permitted to express his views on the weight of any evidence, or as it is commonly called, to "charge on the facts," as may be done in some States. The trial judge plainly makes the jury the sole arbiter of the facts and it would be an error of law if he did otherwise. In this case Judge Thayer is not charged with any errors of law of this kind. It is properly held in our judicial system that to put it in the power of any other tribunal than that of jurymen who hear and see the witnesses to determine either the weight of evidence or the facts would be unfair, if not dangerous.

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HN: DCS  
61-126-767

MAY 20 1927  
RECORDED

May 16, 1927.

MEMORANDUM FOR MR. LUMRING.

I am transmitting, attached hereto,  
copy of communication received from the Agent  
in Charge of the Bureau's Boston Office, together  
with attached newspaper clippings of news items  
referring to the SACCO-VANZETTI case.

Very truly yours,

Director.

Inc. 61211.

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 1-30-82 BY SP-8 BTJ/mh



12  
Department of Justice,  
Bureau of Investigation.

P. O. Box 239,  
Boston, Mass.

May 14, 1927.

PERSONAL

Director,  
Bureau of Investigation,  
Department of Justice,  
Washington, D. C.

Dear Sir:

Attention No.1.

SACCO-VANZETTI CASE.

Attached hereto you will find news item taken from the Springfield (Mass.) Union, issue of May 14, 1927, over a Boston, Mass, date line, which refers to the joint opinion of seven famous leaders of the Massachusetts Bar who filed with Alvan T.

Fuller, Governor of Massachusetts, their opinion of certain legal aspects of the case, insofar as the appointment of a commission to investigate the case and the findings of the commission are concerned.

Enclosed herewith you will also find page one of the Boston (Mass.) Traveler, issue of May 14, 1927, which treats of the first overt effort to place the life of Alvan T. Fuller in jeopardy.

Very truly yours,

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 6/30/82 BY SP-8BUN/c

*John A. Dowd*

JOHN A. DOWD,  
Special Agent in Charge.

JAD/d.

2 Enclosures 2.

*S. M. V.*

*Mr. Lohrman*  
*5/18/27*  
*etc*

MAY 20 1927

RECORDED

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| BUREAU            | SECTION |
| MAY 16 1927 P. M. |         |
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| Mr. Tolson        |         |

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ALL INFORMATION CONTAINED  
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Department of Justice

Bureau of Investigation  
Box 239, Boston, Mass.

May 19, 1927.

Director,  
Bureau of Investigation,  
Department of Justice,  
Washington, D. C.

61-126

Re: SACCO & VANZETTI MATTER

Dear Sir:

In connection with the above entitled matter you will find enclosed herein an article appearing in the Boston, Mass. Post, issue of May 17th, concerning the deposit of a stick of dynamite in the Post Office at Plymouth, Mass. and its discovery there as well as an editorial appearing in the Springfield, Mass. Union, issue of May 17th entitled "The Impartial Commission Idea".

Very truly yours,

*John A. Dowd*

JOHN A. DOWD  
Special Agent in Charge.

JAD:MFD  
Encl. 2  
Att. No. 1.

P.S.C.  
R.H.S.  
H.J.  
COT  
dwpB.

RECORDED & INDEXED  
MAY 25 1927

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J. L. W.

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MAY 25 1927

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MEMORANDUM FOR MR. LUTHER.

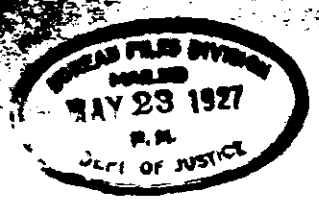
I am transmitting, attached  
hereto, for your information solely,  
copy of a communication received from  
The Agent in Charge of the Bureau's  
Boston Office, dated May 19th., together  
with copy of attached envelope, referring  
to the SACCO-VANZETTI CASE.

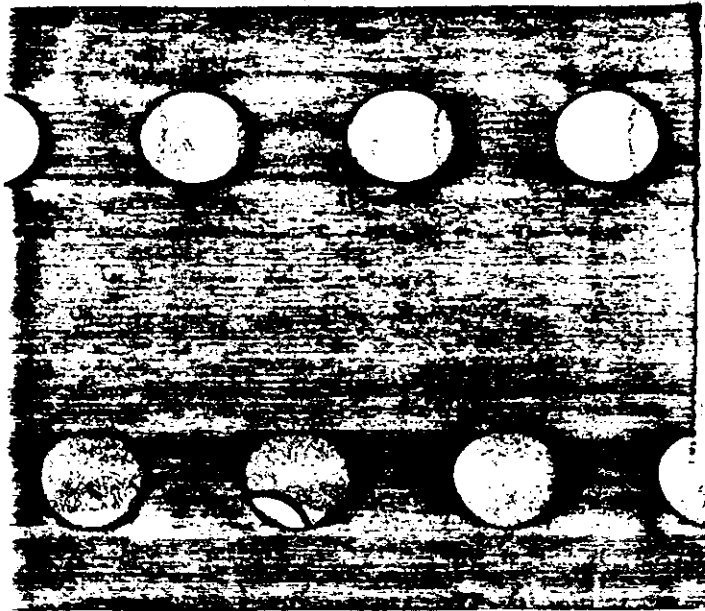
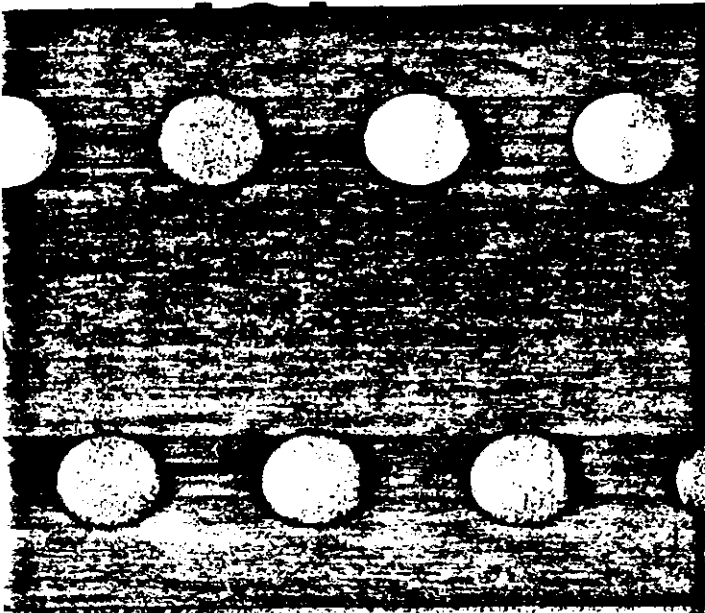
Very truly yours,

Director.

Encl. 26549.

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 6/30/02 BY SP-6/STH





61-126-768

**EXTRA! EXTRA!**

PROBABLY SHOWERS TONIGHT  
AND SUNDAY

Sunrise 5:24, sunset 7:57  
Moon sets Sunday 5:04 A. M.  
High tide 10:59 A. M., 11:05 P. M.  
LIGHT VEHICLES BY 8:27

**Boston** 

ONE HUNDRED AND

ESTABLISHED 1825—102D YEAR—NO. 262

BOSTON, SATURDAY

**BOMB ATTEMPT  
FULLER'S**



# ! EXTRA!

## Traveler

AND A NEWSPAPER

**WALL STREET  
AND  
STATE STREET  
FINAL  
Closing Stocks**

MAY 14, 1927

TWENTY-EIGHT PAGES

INCLUDING AMUSEMENTS AND  
ROTOGRAVURE SECTION

PRICE TWO CENTS

# ATTEMPT ON GOV. FULLER'S LIFE FAILS

## PLOT FOILED BY POSTOFFICE DEPT.

A bomb consisting of a package containing dynamite was mailed to Gov. Fuller at the State House.

It was intercepted by the postoffice authorities, who today notified the Governor of the attempt to send dynamite to him, and sent to him the letter which accompanied the explosive. The writer is a Sacco-Vanzetti sympathizer.

Postoffice authorities said they had no clue as to the sender, nor did they know from which station the dynamite was sent.

Gov. Fuller has not seen either the letter which came with the dynamite nor the letter from the postoffice officials as he is at home. His secretary is with him there.

The letter which came with the dynamite referred to Sacco and Vanzetti and promised to blow up the Governor if Sacco and Vanzetti are executed.

The letter which accompanied the explosive read as follows:

Mr. Governor of Massachusetts:

"Governor of Massachusetts. I have succeeded in getting a quarter of a ton of this. If Sacco and Vanzetti

W. J. Felt  
H. H. H.  
Upson  
28 5/14/27

# SACCO PROBE BOARD COULD ONLY ADVISE

Would Not Have Authority  
to Grant Pardon; Whole  
Responsibility Rests  
on Governor.

Special to The Springfield Union.

BOSTON, May 13.—If Gov. Fuller appoints a commission to review the famous Sacco-Vanzetti case, such a commission would not have the power to determine whether a pardon should be granted. Its report would be merely advisory. There can be no divided responsibility in handling this "cause celebre." The Governor should not be embarrassed by the published findings and conclusions of any body, in reaching his own conclusion.

These are the opinions of the seven famous leaders of the Massachusetts bar, who, while not attempting to tell Gov. Fuller what course he should pursue for the purpose of obtaining adequate information, today filed with His Excellency their opinion of certain legal aspects of the case.

The document, signed by Homer Albers, Moorfield Storey, Thomas W. Lister, Robert W. Nason, Melvin M. Johnson, Julian Codman and Alexander Lincoln, reads:

"In the conflict of opinions and emotions which the Sacco-Vanzetti case has aroused it should not be forgotten that the Government established by our Constitution is a government of laws and not of men. The Constitution is the fundamental law for the government of our Commonwealth. Concerning it our court has said:

## Governor May Pardon.

"Under the Constitution the power of convicting and sentencing persons for crimes committed rests in the judicial department of the Government and in that alone. But, in order that possible injustice in particular cases may be avoided, and that justice may be tempered with mercy when deserved, the Constitution has conferred on the executive department, that is the Governor by and with the advice of the Council, the power of pardoning offenses after conviction by the court.

"This clause provides the only means by which the executive branch can constitutionally modify the terms of a sentence. The pardoning power thus granted is comprehensive and includes the power to mitigate or commute a sentence or to grant a reprieve, as well as to grant a full pardon.

"The Council, with whose advice the Governor is authorized to act, is the executive council established by the Constitution for advising the Governor in the executive part of the Government. It consists of eight councilors elected from their respective districts, and the Lieutenant-Governor. It must concur with the Governor before the pardoning power can be exercised, but the Governor may refuse to pardon without first referring the matter to the Council.

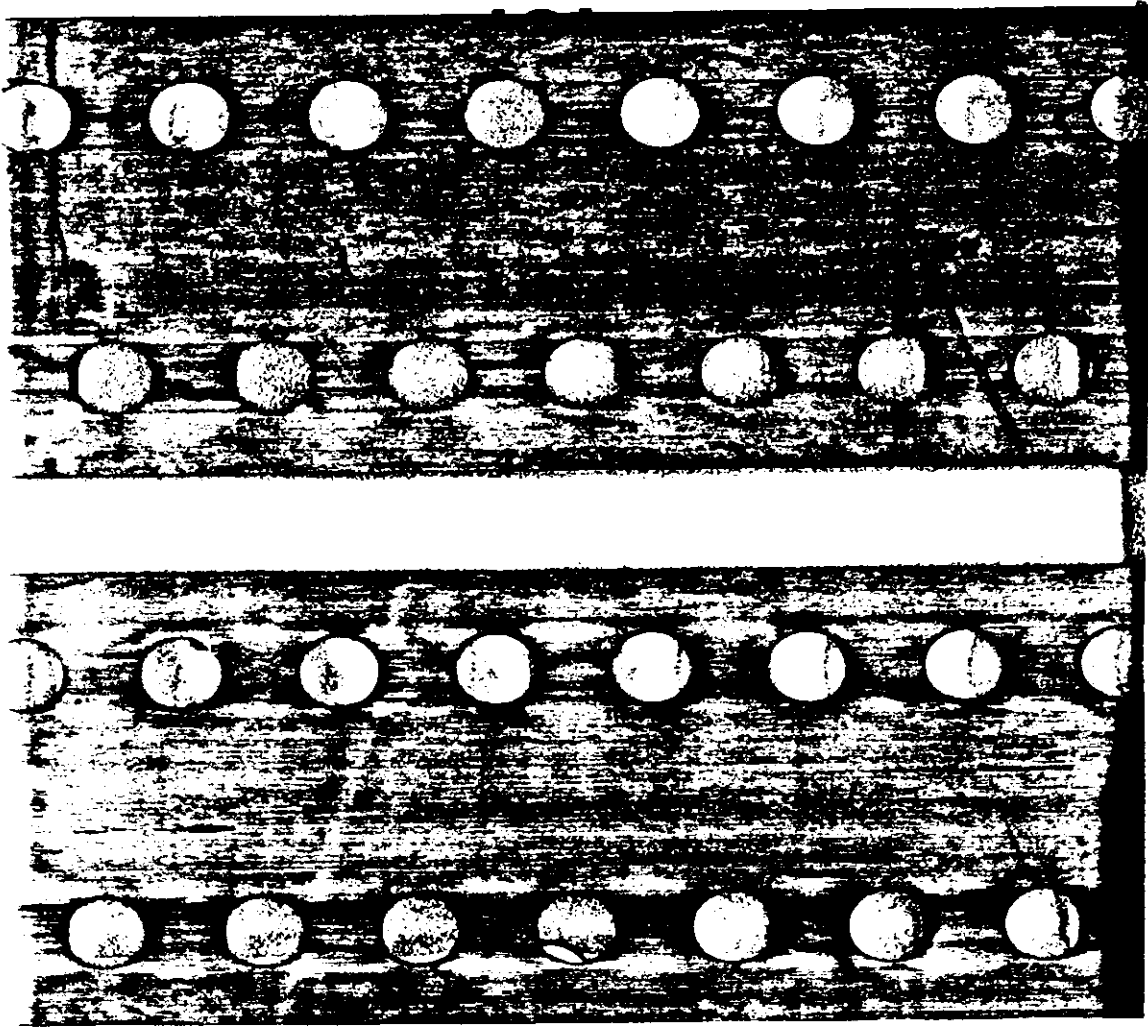
## Responsibility Is His.

"Thus, the duty and the responsibility are primarily the Governor's and are personal to him. He may and should seek information and advice to the fullest extent; but he cannot delegate to others any part of the power or the duty reposed in him. His conclusion must rest on his own judgment.

"A number of our leading citizens, including lawyers of distinction, have asked the Governor to appoint a commission to investigate the Sacco-Vanzetti case and report to him their findings and conclusions.

"What course the Governor should pursue for the purpose of obtaining adequate information and advice we do not attempt to suggest. That is for the Governor himself to determine. But we do think it should be pointed out that under the Constitution a commission would not have the power to determine whether a pardon should be granted, that its report would be merely advisory, that there cannot be a divided responsibility, and that the Governor ought not to be embarrassed by the published findings and conclusions of any other body, in reaching his own conclusion.

"The Governor is the supreme executive magistrate, elected by the people to perform the functions of his office. In this trying hour he should receive the unquestioned support of all citizens."



# DYNAMITE PUT IN POSTOFFICE

Stick of Explosive Found in Waste-Basket in Plymouth, Home  
Town of Vanzetti—Thought to Be Attempt to Blow Up  
Building as a Demonstration for Convicted Pair

Creates Stir, Following So Soon  
After Package Mailed to  
Governor Fuller

Rigid Investigation Ordered—  
No Clue to Perpetrator—  
Officials Alarmed

PLYMOUTH, May 16—A stick of dynamite was found tonight in the Plymouth postoffice.

Whether or not the placing of the dynamite has any connection with the Sacco-Vanzetti case is a question, but following the finding of a pound of dynamite in the Burlington avenue branch of the Boston postoffice a few days ago its discovery leads postoffice investigators and the police to the conclusion that it may have been an attempt to blow up the Plymouth postoffice as a demonstration, particularly as Bartholomeo Vanzetti, one of the convicted men, was a fish pedler at North Plymouth when arrested.

Continued on Page 10—Fourth Col.

**SIGHT-SEEING**

# Dynamite Found in Postoffice on Cape

Continued From First Page

The dynamite, covered with paraffin paper as a protection, was found in the waste-basket in the front of the postoffice, after the office was closed for the night.

## ON TOP OF PAPERS

It was marked "Low freezing—80 per cent high explosive," on the paraffin paper, which covered it. The dynamite was in a state such as it would be in when purchased.

Apparently no attempt had been made to cover up the dynamite, as it was found lying on top of an accumulation of papers in the waste-basket, just under the writing desk in the front corridor, which is open evenings for box-holders and those who wish to use the quarters for writing purposes.

There is no clue as to who could have left the dynamite there as the clerks in the rear of the post office cannot observe who may be in the corridor from their positions in the rear of the boxes.

## No Percussion Cap

The usual custom at the Plymouth postoffice is to gather up all the waste paper mornings and throw it into the heater in the basement where it is burned. The authorities believe it may have been the intention of the person putting the dynamite there to have this done, thinking that it might result in blowing up the postoffice. This theory is sustained by the fact that no percussion cap was attached.

The dynamite was found by Jacob Snyder, a fisherman, who lives in the waterfront here and is widely known among local fishermen. He went to the postoffice at 2:30 o'clock, a half-hour after it closed, to write a letter. When he was writing the letter he rolled a sheet of paper and tossed it into the basket. In doing so his attention was attracted to the dynamite. He thought at first it was a large fire-cracker, and his curiosity got the best of him. He took it out with the greatest care when he recognized it as dynamite and shoved it into his pocket.

It was nine inches long and about an inch in diameter. A part of it protruded from his pocket as he stepped out into the street in search of a policeman.

## Taken to Station

Half a block away he encountered Patrolman Lawrence Savoy. He explained the situation to Savoy and handed him the explosive.

Savoy took it and walked to the police station, 500 yards away. Savoy took care not to stop and discuss the matter with anyone and was unusually cautious in avoiding automobiles and pedestrians.

Savoy laid the stick of dynamite on the desk at police headquarters and Chief of Police John Armstrong was called to take care of the matter. Chief Armstrong, after hearing the story, directed that Postmaster Howard M. Douglas be called to the station.

The chief of police told a Post reporter late tonight that he did not examine the paper covering for fingerprints, but was very careful not to have anyone handle it, for fear the fingerprints upon it might be obliterated.

The postmaster took the dynamite and placed it in his safe and will make a formal report tomorrow morning to the postoffice inspectors at Boston.

Postmaster Douglas stated late last night that neither he nor any of his clerks had noticed any strangers in the postoffice during the day or early evening. He admitted that it had been found, but would make no further statement, he said, until he reports to the chief postoffice inspector, tomorrow morning.

It was also learned tonight that for some ungiven reason the guard at Plymouth jail had been doubled.

Chief Postoffice Inspector Park D. Colvin showed deep interest in the discovery of the stick of dynamite at the Plymouth postoffice, the first news of which was communicated to him this morning by the Post. He said that he had not heard anything about the discovery, but inasmuch as there is now an investigation in progress into an instance of dynamite being found in

—An Address to Governor Fuller.

## The Impartial Commission Idea

It is possible that socialists, communists and anarchists in Rio Janeiro, Paris, Mexico or other foreign centers may not understand that the Governor of Massachusetts cannot under his oath appoint a commission to decide what shall be done with Sacco and Vanzetti. But it ought not to be necessary to point out the fact to law school deans, college professors, clergymen or even to college undergraduates in America. The Governor can inquire into the case in any way he sees fit, but no commission can decide the matter for him. In the present stage of the case he is the judge and, if he wishes to take certain steps, he must secure the consent of his Council.

Most of the petitions to the Governor seem to have been based on the false assumption that he can set up an unofficial body having super-judicial powers, whereas any such commission as he might appoint would have advisory standing only and would be in no different position from that of the various groups from all over the country who have been advising, urging or threatening him.

Furthermore, it is obvious that it would be impossible for the Governor to select any commission that—to use a common phrase—would have the confidence of the people. What people? Certainly no impartial commission could be made up of those who have already indicated their partiality or prejudice on one side or the other. All those who have begged for a commission "having the confidence of the people" would be ineligible for membership upon it because they have already expressed a lack of confidence in the courts in which a great majority of the people have more confidence than they have in the opinions of people who have not heard or even read the evidence.

The Governor may seek any aid or information he wishes in any way he wishes in preparation for his own decision and action, but it would be harder for him we fancy to find an advisory commission having the confidence of the people in such a matter than for him to make a decision from his own inquiry into and knowledge of the facts.

The great game of politics never fails to provide its amusing features. For example, a number of Southern women are outspokenly opposed to the Governors of New York and Maryland on the ground that they are nullificationists. Southerners certainly ought to know what nullification is; they come from a section of the country where it is as common as the hookworm.

#23

Phoenix, Arizona,

May 25, 1927.

Mr. J.E. Hoover, Director of the Bureau of Investigation,  
Department of Justice,  
Washington, D.C.

My dear Mr. Hoover:

I am herewith attaching The Industrial Worker dated May 21st.

Your attention is respectfully called to the article on page three which refers to former Special Agent Fred J. Weyand of the Bureau of Investigation. Needless to say this article is propaganda put out by the Sacco-Vanzetti defense committee.

With kind personal regards, I am,

Yours very truly,

*J.E. Wilkie*  
J.E. Wilkie.

*Recd  
not  
mail*  
Mr. J.E. Wilkie,

P.O. Box 278,

Phoenix, Arizona.

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 6/30/82 BY SP-100/ab

JUN 8 1927

RECORDED & INDEXED

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6-1-27*  
61-126-76

JUN 8 1927

One

L. W. F.

# nia Has "Perfect" Company

## Does this Evidence Justify Legal Murder?

This is a copy of a pamphlet issued by the Joint Committee for the Release of Sacco and Vanzetti of Seattle, Washington, composed of delegates from the I. W. W., the Socialist Party, the International Labor Defense, the Workers Communist Party, the Freethinkers Association and the A. F. of L.

The whole world has heard of Sacco and Vanzetti. Only too few in this country however, are aware of the facts leading up to the conviction and sentencing to death of these men. Born in Italy, through no choice of their own, these workers were arrested seven years ago in connection with the holdup and murder of a paymaster and guard of the Slater and Morrill Shoe Company in South Braintree, Massachusetts on April 15, 1920.

Unfortunately, Nicola Sacco, an experienced shoe worker, and Bartolomeo Vanzetti, a fish peddler of Plymouth, both of them espousing an unpopular economic philosophy, were brought into court to face this murder charge at a time when the red hysteria was still at its height.

They had been active as workers agitating for the right to organize and for improved conditions and Vanzetti had been blacklisted for his part in the big strike at the Plymouth Cordage Works.

It is not the purpose here to ask more than justice for these men. We believe that a careful reading of the facts below, gleaned from unbiased, impartial sources, will convince any fairminded person that Sacco and Vanzetti are innocent.

### RED HYSTERIA RAMPANT

Of the trial itself, Prof. Felix Frankfurter of Harvard Law School in a thorough review of the case in March (1927) Atlantic Monthly says:

"On the witness stand Sacco and Vanzetti accounted for their movements on April 15 (the day of the holdup). They also accounted for their ambiguous behaviour on May 5 (the day they were arrested). Up to the time that Sacco and Vanzetti testified to their activities, their pacifism, their flight to Mexico to avoid the draft, the trial was a trial for murder and banditry; with the cross examination of Sacco and Vanzetti patriotism and radicalism became the dominant emotional issues. Outside the courtroom the Red hysteria was rampant, it was allowed to dominate within. The prosecutor (Katzmann) systematically played on the feelings of the jury by exploiting the unpatriotic and despised beliefs of Sacco and Vanzetti, and the judge allowed him thus to divert and pervert the jury's mind. —In view of the temper of the times, the nature of the accusation, the opinions of the accused, the tactics of the prosecution, and the conduct of the Judge no wonder the 'men of Norfolk' convicted Sacco and Vanzetti."

This is further emphasized by the statement of the foreman of the jury to a friend, who indicated some doubt as to the guilt of the two men. "Damn them they ought to hang anyway," said the foreman.

Since this day, July 14, 1921, six attempts have been made by the defense to secure a new trial on the ground of new evidence but each time Judge Thayer the judge who tried the case has ruled against it. Finally

## WHILE COLORADO MINERS WORK STARVATION WAGES, HUGE PROFITS PILE UP FOR C. F. AND I. CO.

After All Deductions for Expenses, the Steel Plant Shows the Enormous Increase in Profits of Three Quarters of a Million Dollars More than in 1926, for the First Three Months Alone; Good Time to Raise Wages.

WALSENBURG, Colo.—While the Colorado miners are starving on starvation wages and under revolting conditions that bring a high rate of disease and mine accident fatalities, the Colorado Fuel and Iron Company, one of the mine owners, reports a gain in net income of three quarters of a million dollars for the three months of 1927 compared with the first three months of 1926.

This is but one example of the enormous profits growing out of the very life blood of the Colorado miners.

From the company's own income account for the quarter ending March 31, 1927, its sales amounted to one million, two hundred and thirty thousand dollars more than for the same period in 1926. The plant in Pueblo, Colo., which employs about 6,000 men, turned out a manufactured product to the value of \$11,642,979.79 during January, February and March, says the company.

Bearing in mind that such expressions as depreciation, exhaustion of minerals, interest on bonds and notes, etc., are, in most cases, but camouflages to conceal actual profits, here is the way the enormous gain is reported:

Sales during the first quarter of 1927 topped those of the first quarter of 1926 by exactly \$1,279,109.42. Manufacturing costs, selling, administrative and general expenses and taxes have been somewhat higher this year than last. This year's total for the quarter in this respect is \$8,991,042.95; last year's was \$8,475,200.38. Deducting the overhead figures from the sales results, the income from operations during the 1927 quarter was \$2,652,936.84; for the same quarter in 1926, \$1,888,369.99.

This sum of \$2,651,936 is swelled some \$55,000 by interest, dividends and other miscellaneous income, bringing the total income of the company during the first three months of 1927 to \$2,707,204.25, over three-

quarters of a million greater than the income during the same period in 1926.

The net income for the quarter is approximately \$1,087,000. Total income, due to payment of interest on outside notes and the cost of depreciation, is approximately \$1,614,000.

First quarter of 1927, less \$519,268.49 interest on notes, leaves a balance of \$2,187,935.76, reducing this by \$568,587.92 for depreciation of plant and equipment, a balance of \$1,619,347.84 left which represents the net income of the quarter, a figure of \$666,666.66. The net income of the quarter for 1926, for the quarter, was \$1,087,000.00 and notes took \$455,332.22, leaving a balance of \$631,667.78 provided for depreciation and exhaustion of minerals, leaving a net income of \$954,248.06.

actual knowledge of the Sacco-Vanzetti case that Sacco and Vanzetti were not highway robbers but were doing with the South Braintree crime. My opinion among the most of the older men in the government service, has been that the South Braintree crime was the work of professional

From the affidavit of Lawrence Lethepman, July 8, 1926. The government Post Office Inspector for twenty five years and for the last ten years (from 1914 to 1924) was in charge of the Bureau of Investigation of the Department of Justice in Boston.

### DID NOT COMMIT CRIME

Fred J. Weyand, a special agent of the Dept. of Justice

Thayer had erred in his decisions. This court has recently decided the Judge had a right to rule as he did. With the failure of this last at Sacco and Vanzetti have been condemned to die in the electric chair he week ending July 10, 1927.

### WHY HAVE AN APPEAL COURT AT ALL?

The conservative newspaper, The New York World says in a recent comment:

"Outside of Massachusetts it is not realized, we believe, that the conviction of these two men has never been completely and impartially reviewed by any tribunal. The law in Massachusetts is radically different from that to which we in New York are accustomed. The Supreme Judicial Court of Massachusetts has never passed upon whether the facts as set forth in the printed record of the trial justified the verdict. It has never passed upon the innocence or guilt of these two men. The Supreme Judicial Court has passed only on the narrow technical point as to whether Judge Thayer in ruling as he did on many crucial points had the right to use 'discretion'. It has been decided, in short, that Judge Thayer had the right to do what he did. It has never been decided that he did right. Lives are at stake. Two men are condemned to death in Massachusetts the opinion of Judge Thayer that Judge Thayer acted justly at their trial."

### IS THIS EVIDENCE OF GUILT?

Among the new evidence produced by the defense as a basis for a new trial following stand out:

#### PROCTOR CHANGES TESTIMONY

(1) Capt. Wm. H. Proctor, head of the Massachusetts State Police, testified at the trial that the bullet which killed the paymaster was fired from a Colt's automatic revolver. Since the pistol owned by Sacco as a night watchman was also a Colt's automatic the effect of this testimony had great weight with the jury.

Prof. Frankfurter in his article quotes the affidavit made later by Proctor giving his true views and the manner in which they were phrased for the purposes of the trial. Proctor swore "But I do not intend to imply that I have found any evidence that the so-called mortal bullet had passed through this particular Colt's automatic pistol (this refers to Sacco's) and the District Attorney well knew that I did not so intend and framed his question accordingly. Had I been asked the direct question whether I had found any affirmative evidence whatever that this so-called mortal bullet had passed through this particular Sacco's pistol, I should have answered yes, as I do now without hesitation, in the negative."

#### MADEIROS CONFESSES TO CRIME

(2) Celistino F. Madeiros, a young Portuguese with a bad criminal record, now sentenced to die for another murder and robbery, confessed at November that he was one of a band of professional criminals (the Torelli gang) that committed the South Braintree crime and that Sacco and Vanzetti had nothing to do with it. A searching investigation of this claim has proved it to be the truth.

#### DEPARTMENT OF JUSTICE FRAME UPS

(3) The following affidavits from former employees of the Department of Justice in Boston who worked on the case indicate that there was a common belief in these circles that Sacco and Vanzetti were innocent of the crime of murder but they should be gotten rid of by any means.

#### SHOULD BE GOTTEN RID OF

"The department of Justice in Boston was anxious to get sufficient evidence against Sacco and Vanzetti to deport them but never succeeded in getting the kind and amount of evidence required for that purpose. It was the opinion of the department agents here that a conviction of Sacco and Vanzetti for murder would be one way of disposing of the two men. It was also the general opinion of such of the agents in Boston as had any

ing the Sacco-Vanzetti trial and afterward, made affidavit on July 1, 1926, that it was his opinion and that of "such Boston agents of the Dept. of Justice as had any knowledge on the subject, that these men had nothing whatever to do with the South Braintree murders, and that their conviction was the result of co-operation between the Boston agents of the Department of Justice and the District Attorney. It was the general opinion of the Boston agents of the Department of Justice having knowledge of the affair, that the South Braintree crime was committed by a gang of professional highwaymen."

#### PERJURY AND PREJUDICE

(4). The definitely expressed prejudice of the foreman of the jury.

(5). Conclusive proof that Pelser, Goodridge and Andrews the principal witnesses for the State were perjurers with previous criminal records and their lying statements identifying Sacco and Vanzetti as the bandits had been arranged by the District Attorney.

#### JUDGE THAYER BIASED

Ever since the trial six years ago by Judge Thayer disinterested parties have pointed to his very apparent prejudice. Dr. Morton Prince, an eminent psychologist of Boston, in commenting in the Boston Herald on Judge Thayer's refusal of a new trial to Sacco and Vanzetti said, "I am glad to see that you recognize that the decision of Judge Thayer denying a trial carries the tone of the advocate rather than the arbitrator,—any expert psychologist reading it, I am convinced would go further. For he could not fail to find evidences that betray strong personal feeling poorly concealed, that should have no place in a judicial document of that kind."

#### MILLIONS PROTESTING

The conviction of Sacco and Vanzetti has been protested by hundreds of prominent individuals and by thousands of organizations representing millions of people throughout the world. One of the first indications of the change in public sentiment came last October with the publication by the Boston Herald of an editorial, "We Submit," in which the whole case was reviewed and the demand made for a new trial. Up to this date the Herald had accepted the trial without protest. Within the past few days this editorial has been selected to receive the Pulitzer prize for the best editorial, from the standpoint of subject matter and composition 1926.

The Springfield (Mass.) Republican in a recent editorial says:

"*Having hoped for several years that another trial would be granted, with a sorry showing to comfort one, we are forced to declare that a dog ought not to be shot on the weight of the evidence brought out in the Dedham trial of Sacco and Vanzetti.*"

The American Federation of Labor is on record at both the El Paso and Cincinnati conventions in favor of a new trial on the ground that these men are innocent. The Washington State Federation of Labor and the Seattle Central Labor Council has also taken similar action repeatedly. The I. W. W., the Workers' Party, the Socialist Party and other similar organizations have expressed their belief in the innocence of Sacco and Vanzetti. Scores of members of the British Parliament, the German Reichstag and many prominent individuals have sent cables to Governor Fuller of Massachusetts, demanding justice for the two men.

#### MAKE YOUR VOICE HEARD

American workers must make their voices heard. The execution of Sacco and Vanzetti is a challenge to the right of workers to be active in the cause of labor and to think their own thoughts. Sacco and Vanzetti would not be where they are today if they had been blind, willing wage slaves. They represent the spirit of protest which means progress.

Sacco and Vanzetti will die in the electric chair on July 10, 1927 unless a tremendous volume of protest is made. Men and women, write to Governor Alvin T. Fuller, State House, Boston, Mass. asking him to grant full freedom to these two workers. It would be a travesty on justice to have a commutation to life imprisonment made. Sacco and Vanzetti say "Freedom or death." Have your union, lodge, church or other organization adopt a resolution along the same lines.

ACT AT ONCE. WE MUST SAVE THESE WORKERS LIVES.

Sacco-Vanzetti United Front Conference,  
LABOR TEMPLE, SEATTLE, WASH.

Send for more of these pamphlets to distribute. Attend open air protest meetings Occidental and Washington Streets, every Sunday afternoon 2:30 P. M.

61-126-



7722

Noted  
F.D.V.

RECORDED

61-126-769

JUN 2 1955

JUN 1, 1955

RECORDED

Mr. J. M. Wilkie,  
P. O. Box 878,  
Phoenix, Arizona.  
Dear Mr. Wilkie:

I am in receipt of your communication of the  
28th, with enclosure, and want to express to you my  
appreciation of your interest in forwarding to me these  
clippings.

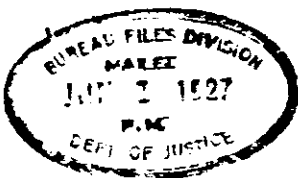
With expressions of my best regards, I  
remain

Cordially yours,

Director.

61-126

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 1/31/82 BY SP-802/mc



227

L. W.

470

MR. DOD

61-126-770

June 10, 1927.

61-126-770

JUN 18 1927

MEMORANDUM FOR MR. DODGING.

I am transmitting, attached hereto,  
copies of newspaper clippings regarding the  
SACCO-VAN KETTEL case.

Very truly yours,

Director.

Encl. 81105.



ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 4/30/82 BY SP-8B

Department of Justice

Bureau of Investigation

Post Office Box #70,  
Wall Street Station,  
New York, New York.

058825

MAY  
26th  
1927

Director,  
Bureau of Investigation,  
Department of Justice,  
Washington, D. C.

Dear Sir:-

Attention Division - 2

IN RE: NEWSPAPER CLIPPINGS From N.Y. PAPERS  
NEW YORK FILE NO. 62-5

I am enclosing herewith clippings taken from various  
New York Newspapers containing articles believed to be of interest  
to the Bureau.

Very truly yours,

J. H. DALY  
AGENT IN CHARGE.

RECORDED

JUN 1 2 1927

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 6/30/82 BY SP-6/TJ/mc

WRP:MF.  
13 Enclosures.

61-126-770  
61-23-592  
BUREAU OF INVESTIGATION  
MAY 27 1927  
Div. One  
Div. Two

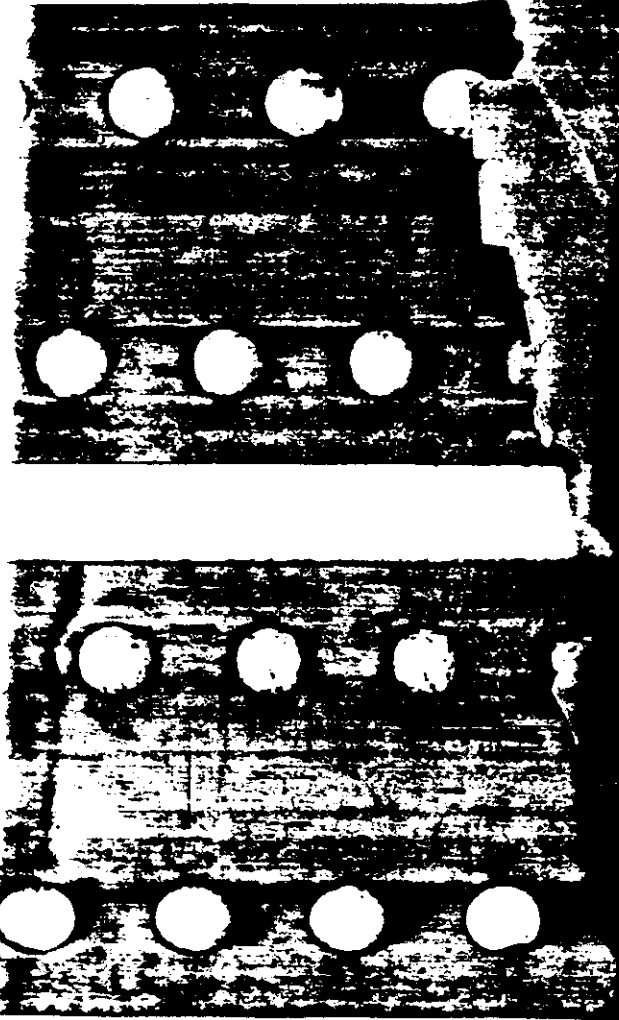


INFORMATION TO THE DIRECTOR, FBI

*Handwritten:*  
Herald Tribune  
July 8

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED

Herat Tribune  
July 8/72

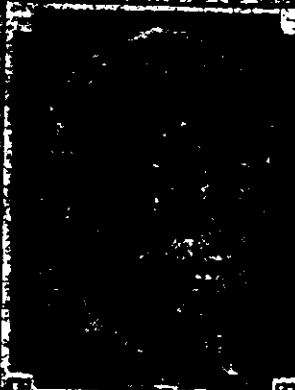


[The text in this section is extremely dark and noisy, making it largely illegible. It appears to be a full-page article or document.]

INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 11/20/01 BY 60322



AND THE ADVENT  
 OF GOD IN THE  
 FATHERLY SON



10-10-1962

67-226-75





Department of Justice

Bureau of Investigation

P.O.Box 239

Boston, Mass.

2

PERSONAL

June, 2, 1927.

Director,  
Bureau of Investigation,  
Department of Justice,  
Washington, D.C.

61-126.

Dear sir:

Re: Sacco-Vanzetti Matter

Enclosed herewith you will find news item taken from the Boston, Mass., Herald, issue of June, 2, 1927, with reference to the above entitled matter which briefly relates to the appointment by Gov. Fuller of the Commonwealth of Massachusetts, of an advisory committee in connection with the investigation of the Sacco-Vanzetti case.

The advisory committee consists of Judge Robert Grant, retired, formerly of the Massachusetts Probate Court, President Abbott Lawrence Lowell of Harvard University and President Samuel W. Stratton of the Massachusetts Institute of Technology. The investigation by this body will be independent of the one which Gov. Fuller is now making.

Very truly yours,

*John A. Dowd*

JOH. A. DOWD.

Special Agent in Charge.

JAD.

JUN 14 1927

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED

DATE 6/30/82 BY SP-800 JMC

771

61-126-770

BUREAU OF INVESTIGATION

JUN 3 1927

DEPT. OF JUSTICE

Div. One

Two

JUN 1 1927

June 3, 1927.

MEMORANDUM FOR MR. LEBER.

61-126

I am attaching hereto a communication which I have received from Honorable Charles L. Underhill, relative to threatening letters which have been received by officials from Massachusetts as a result of the Sacco-Vanzetti case.

I have advised Mr. Underhill that his communication has been referred to you for attention, as it is not a matter falling within the jurisdiction of this Bureau. I have stated to Congressman Underhill that you will no doubt communicate direct with him.

Very truly yours,

Encl.

Director.

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 6/30/82 BY SP-601/uc

77  
61-126  
BUREAU OF INVESTIGATION  
JUN 4  
DEPT. OF JUSTICE  
772

JUN 10 '27

June 3, 1927.

Hon. Charles L. Underhill,  
House of Representatives,  
Washington, D. C.

My dear Congressman Underhill:

I have the honor to acknowledge the receipt of your communication of June 1st, 1927, advising me of the receipt, by officials from Massachusetts, of threatening letters as a result of the Sacco-Vanzetti case.

I am immediately calling your letter to the attention of Assistant Attorney General Lahring, in Charge of the Criminal Division, for his consideration. You will, no doubt, hear from Mr. Lahring concerning this matter shortly.

With expressions of my best regards, I remain

Sincerely,

Director.

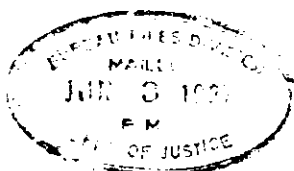
RECORDED

61-126-773

|                         |  |
|-------------------------|--|
| BUREAU OF INVESTIGATION |  |
| JUN 4 1927 A. M.        |  |
| DEPARTMENT OF JUSTICE   |  |
| FILE                    |  |

61-126

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 6/30/82 BY SP-8 BTJ/MC



L. W. F.

Congress of the United States

House of Representatives

Washington, D. C.

June 1, 1927

Mr. J. Edgar Hoover,  
Director Bureau of Investigation,  
Department of Justice,  
Washington, D. C.

My dear Mr. Hoover:

A number of our officials from Massachusetts are being greatly annoyed with threatening letters as a result of the Sacco-Vanzetti case. Much to my surprise, I find that the Post Office Inspectors say they have no authority under the law to take any action with regard to these attempts at intimidation, and I am writing to ask you if the Department of Justice has any jurisdiction in the matter. It seems to me that we are facing a rather serious situation because of this case, and I hope that the Department is taking whatever steps may appear proper to prevent responsible officials from being harassed by the radicals seeking to use this case for their own purposes.

Thanking you for any information you may give me in the matter, and with best wishes,  
Believe me

Sincerely yours,

*Charles L. Underhill*

THE EVENING STAR. WASHINGTON, D.C. JUNE 30, 1927.

## SACCO CASE ADVISERS HOLD FIRST MEETING

Committee of Three Gather in  
Executive Council Rooms in  
Statehouse.

By the Associated Press.

BOSTON, June 29.—Members of the Sacco-Vanzetti advisory committee, appointed by Gov. Fuller to assist him in his investigation of the case of the two radicals under sentence to be executed for murder, met at the Statehouse today for the first time. The committee consists of President A. Lawrence Lowell of Harvard, President Samuel W. Stratton of Massachusetts Institute of Technology and Robert Grant, formerly judge of the Probate Court.

The committee got together in the rooms of the executive council, which yesterday approved the action of Gov. Fuller in granting a respite in the execution date from the week of July 10 to that of August 10 for Nicola Sacco and Bartolomeo Vanzetti. Previously each of the three had conferred several times with the governor and they had examined the record of the case individually, but had not gone over it together.

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED

DATE 6/30/82 BY SP-8 BTJ/pwh

Respectfully submitted,

*F. C. Guerrero*  
F. C. Guerrero.

NOT RECORDED

11126

12

...the governor is now engaged in an examination of the case, as the official of last resort, and he finds it necessary to have more time to read the 7,000 pages of the record of the trial and to interview the witnesses, numbering nearly two hundred.

This case has aroused the interest of many thousands, in this country and abroad. Sacco and Vanzetti were not only convicted, but their conviction was sustained by every appellate court. A determined effort has been made by so-called "friends of the accused" to obtain the setting aside of the verdict. Extraordinary demonstrations of partisanship for them have been conducted. Petitioners to the number of several thousand have filed their protests against the procedure, on the ground that the men were convicted on the score of their reputations as radicals, rather than upon the evidence. The agitation in their behalf even went so far as to elicit a formal and emphatic demand by members of the British House of Commons for their release.

Gov. Fuller is examining the case with painstaking care. He is usually sitting as the highest court in the State, conducting the trial through examination of both the record and the witnesses themselves. He has relieved for a period a man awaiting execution for murder who has declared that he was the one who slew the paymaster and his guard, and not Sacco and Vanzetti, and that those men had no part in the hold-up and killings.

Whichever way the Governor of Massachusetts decides, he will be subjected to severe criticism. If he holds that Sacco and Vanzetti are guilty and have been given a fair trial, thus confirming their death sentences, he will be immediately excoriated by the partisans of the condemned men. If he rules in their favor, he will be criticized for having yielded to the clamor of the "friends," who have in some cases gone so far as to threaten his life if he sends these men to the gallows. It is altogether probable that Gov. Fuller will, in respect to his path of office, render a conscientious finding, regardless of clamor.



Respectfully submitted,

*F. C. Guerrero*  
F. C. Guerrero.

*fr*

NOT RECORDED

61-126

61-126-774  
RECORDED

JUL 22 1927

July 20, 1927.

MEMORANDUM FOR MR. LUTHER

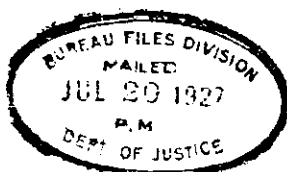
Referring further to the Sacco-Vanzetti case, the Bureau is in receipt of a communication from its Kansas City office advising that the following letter has been received at that office on a blank sheet of paper, signed "H.N. Anderson":

"Attended a meeting of the Sacco-Vanzetto committee at 1017 Washington St. and it was decided to call a mass meeting of the working class on June 29th, 1927, at the Labor Temple to protest the execution of these radicals - Room 201 has been donated and Herman Winters will act as Chairman."

The above letter, which is dated Kansas City, Missouri, June 9, 1927, is quoted for your information.

Very truly yours,

Director.



ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 6/30/82 BY SP-9 BTJ/mc



Department of Justice

Bureau of Investigation  
426 Lathrop Building,  
Kansas City, Missouri.  
June 13, 1927.

ATTENTION DIVISION NUMBER TWO

Director,  
Bureau of Investigation,  
Department of Justice,  
Washington, D. C.

Dear Sir:-

A communication has been received at this office on a blank sheet of paper signed "H. H. Anderson" reading as follows:

"Attended a meeting of the Sacco-Venetto committee at 1017 Washington St. and it was decided to call a mass meeting of the working class on June 29th, 1927, at the Labor Temple to protest the execution of these Radicals- Room 201 has been donated and Herman Winters will act as Chairman."

The above is dated Kansas City, Mo., June 9, 1927.

This is transmitted for your information, and any instructions that you desire to give.

Very truly yours,

FRANK COLE,-  
Agent in Charge.

JUL 22 1927

FC:MB

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 6/30/82 BY SP-8 BTJ/ML

61-126-774  
BUREAU OF INVESTIGATION  
JUN 15 1927  
Div. One  
Div. Two  
FILE

258-089

61-124-775

July 9, 1927.

JUL 11 1927

RECORDED

MEMORANDUM FOR ASSISTANT ATTORNEY GENERAL LORING.

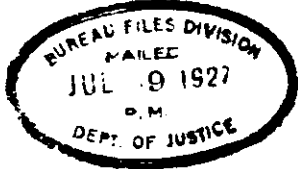
Further with regard to the case of Sacco and  
Vanzetti, Italians convicted on the charge of murder  
in the State of Massachusetts, I am attaching for your  
information copy of a letter directed to me by the  
Special Agent in Charge of the Bureau Office at Boston,  
Massachusetts, together with a pamphlet referred to  
therein.

Very truly yours,

Director.

Encl. No. 54693.

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 6/30/82 BY SP-8 BTJ/mc



Department of Justice,

Bureau of Investigation.

P.O.Box 239  
Boston, Mass.

PERSONAL

July 2, 1927.

JUL 11 1927

Director,  
Bureau of Investigation,  
Department of Justice,  
Washington, D.C.

Dear sir:

Re: Sacco- Vanzetti Matter.

With reference to the above entitled matter you will find enclosed herewith a pamphlet, printed in Italian, evidently entitled "Sacco and Vanzetti". It is the work of R. Schiavina, an anarchist and friend of Luigi Galleani, both of whom were deported by the U.S. Dept. of Labor.

This pamphlet appears to come from the press of one Jean Bucco, of No. 116 Rue du Chateau des Ren-tiers, Paris, France and has been edited by the Anarchist Committee for Political Victims of Italy.

This pamphlet deals with the Sacco-Vanzetti case in Massachusetts and also bears reference to anarchist conditions in the United States preceding the arrest of Sacco-Vanzetti by the Massachusetts authorities. In its pages it makes reference to Elia, Salsedo, Galleani and his publication "Gronaca Sovversiva", as well as to the activities of the Department of Justice in 1918-19.

The contents of the pamphlet follows, in many respects the articles, on this case, of Felix Frankfurter, of Harvard Law School and is interspersed with references to his writings.

Very truly yours,

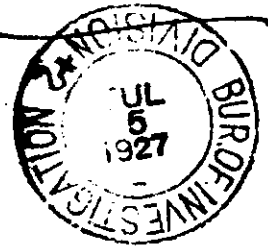
ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 6/30/92 BY SP8BTJ/m

JOHN A. DOWD.  
Special Agent in Charge.

Department of Justice

Bureau of Investigation

P.O.Box 239  
Boston, Mass.



PERSONAL

July, 1, 1927.

Director,  
Bureau of Investigation,  
Department of Justice,  
Washington, D.C.

ALL INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED

DATE 6/30/92 BY SP9BTJ/mc

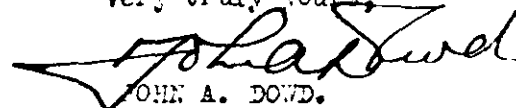
Dear sir:

Re: Sacco-Vanzetti Matter.

Enclosed you will find clipping taken from the Boston, Mass., Traveler of June, 30, 1927 in reference to this matter in which it appears that Gov. Alvin Fuller of Massachusetts has granted, with the consent of his Council, a further respite to the above named Sacco and Vanzetti, deferring their execution until after Aug. 10, 1927.


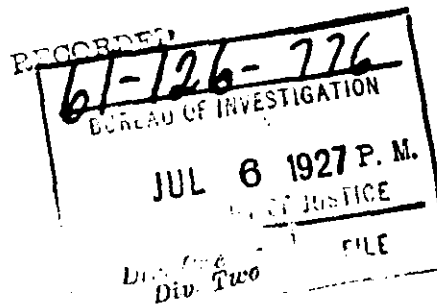
This last respite appears to have been prompted by the fact that the Commission of three recently appointed by the Governor to conduct an investigation in the case, independent of him, met for the first time on June, 30, 1927 and will require the added time for consideration of evidence and surrounding facts.

Very truly yours,



JOHN A. DOWD,  
Special Agent in Charge.

JAD.



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Traveler

7-10-97

## Madeiras, Too, Gets

## Extension to

Aug. 13

He is said that he would be unable to complete his investigation of the Bruno Zanzetti case by July 10, the date set for their execution. Governor Fuller with the consent of the Council granted a respite yesterday to the condemned murderers, postponing their execution until after

**MADEIRO, TBO**

The man was given another respite, the first he has received, was granted by Governor Middleton, deferring his execution to the same date. Middleton pardoned 6 witnesses in the Sacco-Vanzetti case. The repeated reprieves have been extended until now, when he was originally sentenced to death.

Sep. 8, 1937.  
New York, N.Y.

news of the deaths was received at the Washington Navy Yard by a man in the uniform of a U. S. Marine. He said the deaths occurred within a quarter of eight on the night of an hour and a half after the explosion, he said. The man said the deaths occurred at the same time.

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 6/30/82 BY SP

61-126-776

61-126-777

JUL 28 1927

RECORDED

MM:OJ

JUL 21, 1927.

MEMORANDUM FOR MR. HUNTING

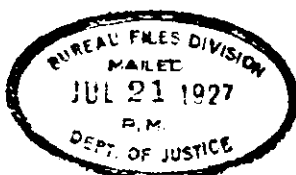
b7C  
For your information in connection with the Sacco-Vanzetti case, I am transmitting attached hereto copy of report submitted by Agent [redacted] New York City, dated July 11, 1927, captioned Communist Activities.

Very truly yours,

Director.

Encl. 61279.

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 6/30/82 BY SP-18



L. D. J.

THIS CASE ORIGINATED AT

NEW YORK CITY

|  |                                     |   |   |
|--|-------------------------------------|---|---|
| REPORT MADE AT:<br>NEW YORK CITY   | DATE WHEN MADE:<br>7-11-27          | PERIOD FOR WHICH MADE:<br>7-11-27   | REPORT MADE BY:<br>[REDACTED] - b7c         |
| TYPE:<br><b>COMMUNIST ACTIVITIES:</b>  |                                     |   | CHARACTER OF CASE:<br>General Investigation |
| SYNOPSIS OF FACTS: <p>Meeting in behalf of SACCO-VANZETTI, held on Union Square on July 8th, at which 10,000 persons were in attendance. Meeting ended in a riot. Meetings also held in Cooper Union and Webster Hall, at which 4,000 persons were present. Among the speakers were Representative F. LaGuardia, A. Shiplacoff, Judge Panken, Arturo Giovanetti and Sidney Hillman. Meeting also held at Manhattan Lyceum, at which 1,000 persons were in attendance. Newspaper clipping taken from the "TIMES" and HERALD-TRIBUNE regarding the above are attached to the Bureau copies of this report. <u>PENDING:</u></p>   |                                     |   |   |
| DETAILS: <p>On Friday July 8th, 1927 a meeting in behalf of SACCO &amp; VANZETTI, was held on UNION SQUARE, this city, at which about 10,000 persons took part, seven hundred COMMUNISTS headed by BEN GOLD, COMMUNIST LEADER of the DEFUNCT JOINT BOARD of the NEW YORK FUR WORKERS UNION, entered the SQUARE and attempted to take part in this meeting; ABRAHAM SHIPLACOFF head of the SACCO -VANZETTI LIBERATION COMMITTEE of the INTERNATIONAL POCKET BOOK MAKERS UNION refused to permit them to participate officially, which resulted in a riot and broke up the meeting. Seven men and one woman were arrested by the Police and quite a number persons badly beaten.</p> <p>Meetings were also held at COOPER UNION and WEBSTER HALL, at which about 4000 persons were present. Among the speakers were REPRESENTATIVE F. LaG A. SHIPLACOFF, JUDGE PANKEN, ARTURO GIOVANETTI and SIDNEY HILLMAN.</p> <p>Several hundred Communists paraded around UNION SQUARE carrying banners and were dispersed by the Police and the banners confiscated.</p> <p>Another meeting was held at the MANHATTAN LYCEUM, at which about 1,000 LEFT WING FURRIERS and CLOAK MAKERS pledged a continuance of COMMUNIST picketing activity in the fur district.</p> |                                     |   |   |
| APPROVED AND FORWARDED:  | SPECIAL AGENT IN CHARGE             | DO NOT WRITE IN THESE SPACES  |   |
| WASHINGTON REFERENCE:  | COPIES OF THIS REPORT FURNISHED TO: | 61-126-777<br>JUL 13 1927 P.M.<br>DEPARTMENT OF JUSTICE<br>ROUTED TO: [REDACTED] FILE |   |
| #2   | (3) Bureau<br>(1) New York          | RECORDED AND INDEXED<br>JUL 13 1927<br>CHECKED OFF:<br>JUL 26 1927<br>JACKETED:       |   |

ENCLOSURE TO BUREAU

RE: COMMUNIST ACTIVITIES:  
N.Y. File #61-3

7-11-27

670  
-2-

Newspaper clipping taken from the "TIMES" and "HERALD-TRIBUNE" regarding the above are attached to the Bureau copies of this report.

PENDING:



S. FRIDAY, JULY 8.

## **RADICAL FUR STRIKERS TO RENEW PICKETING**

**1,000 at Mass Meeting Pledge  
Continuance of Fight on the  
A. F. of L. Organization.**

More than 1,000 left wing furriers and cloak makers joined yesterday afternoon in a mass meeting at Manhattan Lyceum, 98 East Fourth Street, pledging a continuance of Communist picketing activity in the fur district.

The meeting had been planned to celebrate the release on appeal of 115 pickets who had been sent to the penitentiary on Welfare Island, many of them as a result of the disturbance in Jefferson Market Court last week. The released workers did not appear in time, however, and the meeting became a "left wing" exhortation to continue the fight against the "rights" in the needle trades.

Ben Gold, leader of the deposed Joint Board of the Furriers' Union, spoke to an excited crowd of workers, most of whom had discarded their coats and vests because of the heat. He said that in spite of wholesale arrests the furriers would continue mass picketing in the fur district on Monday morning, and invited the "left wing" cloakmakers to join the furriers on the picket line.

Other speakers were Louis Hyman, manager of the Joint Board of the Amalgamated Cloakmakers' Union, and Martin Feldman, who was freed yesterday morning in the Bronx County Court, on a charge of assault growing out of last year's protracted fur strike.

After the meeting the strikers marched up to the Union Square Sacco-Vanzetti demonstration, where Gold's arrival precipitated a riot.

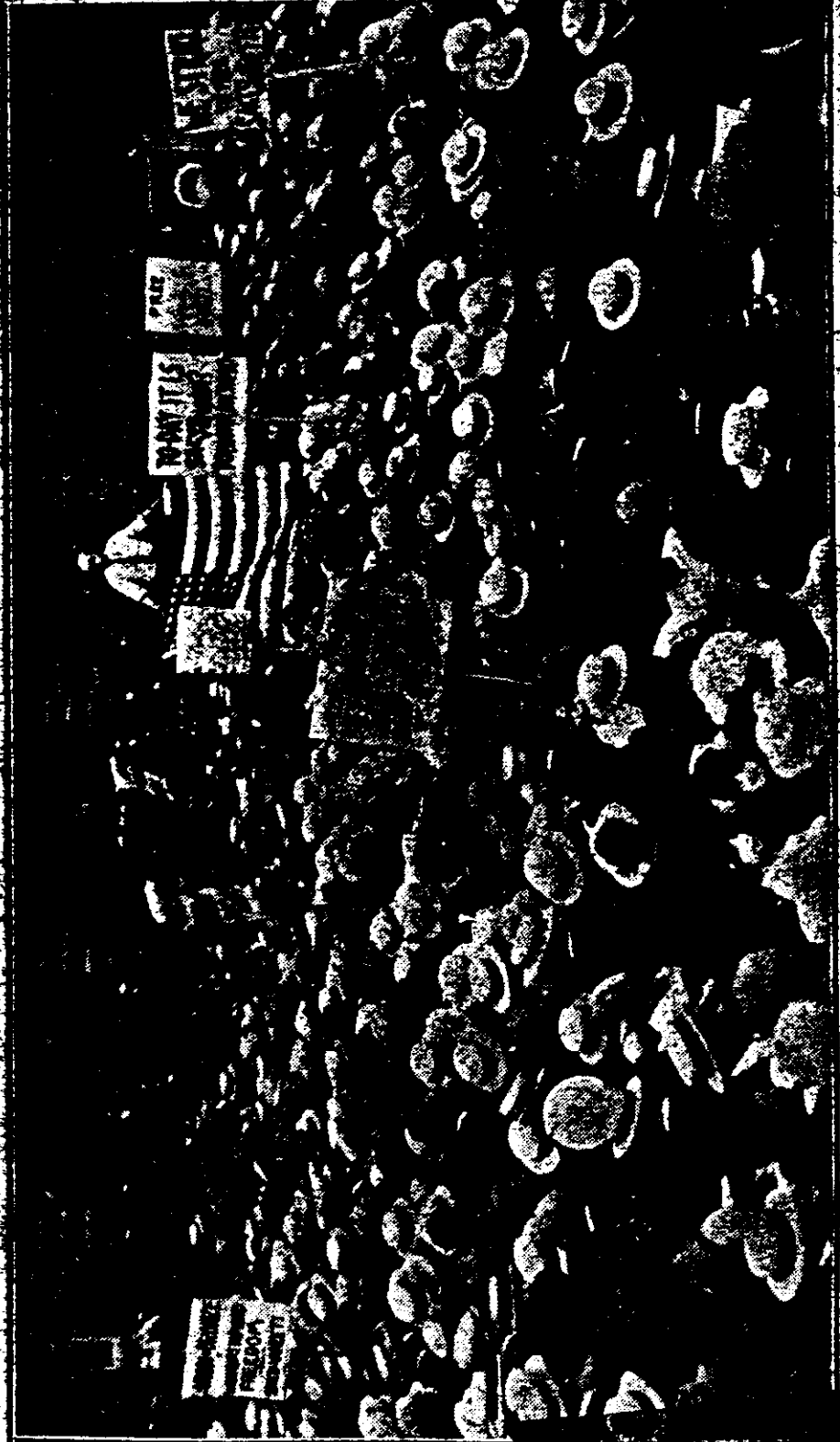
Matthew Woll, Hugh Frayne and Edward F. McGrady, the special American Federation of Labor committee which is assisting the right wing fur workers, wrote yesterday to Magistrate George F. Ewald, com-

NY  
7/8/27

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 6/30/82 BY SP8

NEW YORK HERALD TRIBUNE, FRIDAY, 1927

*Part of the Sacco-Vanzetti Demonstration in Union Square*



#18

July 18, 1927.

**MEMORANDUM FOR MR. LEBRON**

For your information, I am transmitting attached hereto newspaper clipping relative to the Sacco-Vanzetti case.

Very truly yours,

Director.

Encl. 61271

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 6/30/82 BY SP-9/20/82  
RECORDED

BUREAU FILES DIVISION  
MAILED  
JUL 15 1927  
P.M.  
DEPT OF JUSTICE

61-126-778  
BUREAU OF INVESTIGATION  
JUL 16 1927 A.M.  
DEPARTMENT OF JUSTICE

## SAGGO CASE ADVISERS HOLD FIRST MEETING

CHICAGO, Sept. 10 (AP)—A group of advisers to the U.S. Attorney General met today to discuss the case of the late Sen. J. William Fulbright, who died last week.

THE HAGUE, Sept. 10 (AP)—

The U.S. Attorney General's advisers met today to discuss the case of the late Sen. J. William Fulbright, who died last week.

The advisers, who met in a conference room at the U.S. Department of Justice, discussed the case of the late Sen. J. William Fulbright, who died last week.

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The advisers, who met in a conference room at the U.S. Department of Justice, discussed the case of the late Sen. J. William Fulbright, who died last week.

707

13

RECEIVED OFFICIAL COMMUNICATIONS TO  
THE SECRETARY OF STATE  
WASHINGTON, D. C.



2

DEPARTMENT OF STATE  
WASHINGTON

July 27, 1927



The Secretary of State presents his compliments  
to the Honorable the Attorney General and has the  
honor to transmit the enclosed communication for  
consideration and such action as may be required.

*Handwritten:*  
1. sent  
A-C/C

61-126

|                         |                    |
|-------------------------|--------------------|
| RECORDED & INDEXED      |                    |
| 61-126-779              |                    |
| BUREAU OF INVESTIGATION |                    |
| JUL 28 1927 A.M.        |                    |
| DETACHED TO FIELD       |                    |
| Div. Two                | <i>[Signature]</i> |

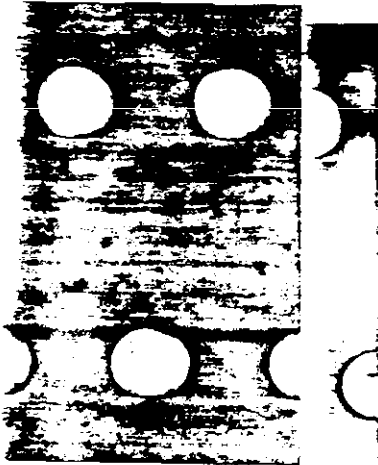
AUG 1 1927

61-126-779

# 14

No. 1453

This copy is for: Justice / *H...*  
Copy also sent to: .....  
at Vienna, July 1st, 1937.  
dated, July 3rd, 1937.



The Honorable  
The Secretary of State,  
Washington.

Sir:

I have the honor herewith to report that the enclosed Sacco-Vanzetti resolution emanating from the so-called Group Krapothin was recently received at the Legation. In view of the third paragraph, which is a threat, I referred it to the President of Police, who has sent to me a report of the meeting where the resolution

in question

H 15.

- 2 -

in question was adopted. A translation of this report is likewise enclosed. I may add that President Schober does not take the fulminations of the local anarchist group Krapetkin very seriously.

I have the honor to be, Sir,

Your obedient servant,

AMW/lp.

---

Albert E. Washburn.

Enclosures:  
Exhibits 1 and 2.

Enclosure to Despatch No. 1453

TRANSLATION.

Vienna, June 8, 1927.

To the American Embassy,

for transmission to the Governor of Massachusetts

The mass meeting held today, June 8, 1927, appeals to the American Government immediately to release our comrades Sacco and Vanzetti, since the real murderers have come forward and the counsel for the defence of Sacco and Vanzetti has proved that all the witnesses were bribed by the police for this class system trial.

These facts show that American plutocracy\* only wants to do away with two agitators of the Labor movement.

Therefore the assembled Labor men and women want the American Government not to allow this legalized murder take place, for the labor classes will not permit two of its best men to be murdered by the high bourgeoisie, unrevenged.

Stamp of

Group Ergothin,  
Vienna,  
Anarchists.

\* (German: "Blutokratie", if intentionally misspelled, might be translated "rule of blood")



TRANSLATION.

The assistant railway guard Edmund Radisch resided at Vienna X, Columbusgasse 25, in the home of the Austrian group "Kruppke" which comprises the adherents of "socialist" Socialists living in the western districts of Vienna. He convened a "Mass Protest Meeting" for June 2, 1927, 8 in the restaurant Rosak Vienna XIII, Mitteldeckerstrasse. The subject to be discussed being "Sacco and Vanzetti and their execution". At this meeting, which was attended 120 persons, Radisch first spoke on the trial of Sacco and Vanzetti who were accused, so he said, of terrible crimes so as to get a legal pretext for destroying them. Their innocence was entirely proved, they had been condemned to death for political motives. It was now the affair of the labor classes to obtain their release. A final resolution of the labor classes could not, however, be reached by the Socialists, whose leaders are in the pay of capitalism but only by the establishment of a more free and rational order of society. In his further statements Radisch said that Austrian Democracy was no better than American Democracy here too the police stood in the service of capitalism and its command proceeded brutally against the proletariat. Next speaker, one Zacharias Schwitz, of the free-thinker station "Freigeist", also took the part of Sacco and Vanzetti and spoke chiefly in favor of Free Thought and separation of the Church. The young Communist Franz Pohl designated Sacco and Vanzetti as martyrs of the labor classes and declared that such executions of the kind could only be prevented by the overthrow of the bourgeoisie of all countries. The meeting closed 10.15 p.m. after voting a protest resolution against the execution of Sacco and Vanzetti and the declaration of the

# 11

22-222

JUL 28, 1927

*Handwritten signature*

MEMORANDUM FOR MR. BOWLING.

I am transmitting, attached hereto,  
photostatic copies of clippings received at the  
Bureau regarding the SAHO-SHIMURA case.

Very truly yours,

Director.

Encl. 200725.

61-126

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
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